



# Theft Act 1968

## 1968 CHAPTER 60

### *Enforcement and procedure*

#### **28 Orders for restitution.**

<sup>F1</sup>(1) Where goods have been stolen, and either a person is convicted of any offence with reference to the theft (whether or not the stealing is the gist of his offence) or a person is convicted of any other offence but such an offence as aforesaid is taken into consideration in determining his sentence, the court by or before which the offender is convicted may on the conviction [<sup>F2</sup>(whether or not the passing of sentence is in other respects deferred)] exercise any of the following powers—

- (a) the court may order anyone having possession or control of the goods to restore them to any person entitled to recover them from him; or
  - (b) on the application of a person entitled to recover from the person convicted any other goods directly or indirectly representing the first-mentioned goods (as being the proceeds of any disposal or realisation of the whole or part of them or of goods so representing them), the court may order those other goods to be delivered or transferred to the applicant; or
  - (c) the court may order that a sum not exceeding the value of the first-mentioned goods shall be paid, out of any money of the person convicted which was taken out of his possession on his apprehension, to any person who, if those goods were in the possession of the person convicted, would be entitled to recover them from him.
- (2) Where under subsection (1) above the court has power on a person's conviction to make an order against him both under paragraph (b) and under paragraph (c) with reference to the stealing of the same goods, the court may make orders under both paragraphs provided that the person in whose favour the orders are made does not thereby recover more than the value of those goods.
- (3) Where under subsection (1) above the court on a person's conviction makes an order under paragraph (a) for the restoration of any goods, and it appears to the court that the person convicted has sold the goods to a person acting in good faith, or has borrowed money on the security of them from a person so acting, the court may order that there shall be paid to the purchaser or lender, out of any money of the person convicted

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Theft Act 1968, Section 28. (See end of Document for details)*

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which was taken out of his possession on his apprehension, a sum not exceeding the amount paid for the purchase by the purchaser or, as the case may be, the amount owed to the lender in respect of the loan.

- (4) The court shall not exercise the powers conferred by this section unless in the opinion of the court the relevant facts sufficiently appear from evidence given at the trial or the available documents, together with admissions made by or on behalf of any person in connection with any proposed exercise of the powers; and for this purpose “the available documents” means any written statements or admissions which were made for use, and would have been admissible, as evidence at the trial, the depositions taken at any committal proceedings and any written statements or admissions used as evidence in those proceedings.
- (5) Any order under this section shall be treated as an order for the restitution of property within the meaning of [<sup>F3</sup>section 30 of the Criminal Appeal Act 1968 (which relates to the effect on such orders of appeals).]
- (6) References in this section to stealing are to be construed in accordance with section 24(1) and (4) of this Act.
- [<sup>F4</sup>(7) An order may be made under this section in respect of money owed by the Crown.]

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**Textual Amendments**

- F1** S. 28(1)—(3) substituted by [Criminal Justice Act 1972 \(c. 71\)](#), **Sch. 5**
- F2** Words inserted by [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 12**
- F3** Words substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, **Sch. 15 para. 33**
- F4** S. 28(7) added by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 163, **Sch. 8 para. 16**
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**Modifications etc. (not altering text)**

- C1** S. 28 amended by [Criminal Justice Act 1972 \(c. 71\)](#), s. 6; extended by [Consumer Credit Act 1974 \(c. 39\)](#), s. 119(2)

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**Changes to legislation:**

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