



Theft Act 1968

1968 CHAPTER 60

General and consequential provisions

30 [^{F1}Spouses and civil partners^{F1}]

- (1) This Act shall apply in relation to the parties to a marriage, and to property belonging to the wife or husband whether or not by reason of an interest derived from the marriage, as it would apply if they were not married and any such interest subsisted independently of the marriage.
- (2) Subject to subsection (4) below, a person shall have the same right to bring proceedings against that person's wife or husband for any offence (whether under this Act or otherwise) as if they were not married, and a person bringing any such proceedings shall be competent to give evidence for the prosecution at every stage of the proceedings.

^{F2}(3)

- (4) Proceedings shall not be instituted against a person for any offence of stealing or doing unlawful damage to property which at the time of the offence belongs to that person's wife or husband, [^{F3}or civil partner^{F3}] or for any attempt, incitement or conspiracy to commit such an offence, unless the proceedings are instituted by or with the consent of the Director of Public Prosecutions:

Provided that—

- (a) this subsection shall not apply to proceedings against a person for an offence—
- (i) if that person is charged with committing the offence jointly with the wife or husband [^{F3}or civil partner^{F3}]; ^{F4}...
 - (ii) if by virtue of any judicial decree or order (wherever made) that person and the wife or husband are at the time of the offence under no obligation to cohabit; ^{F5}... [^{F6} or
 - (iii) an order (wherever made) is in force providing for the separation of that person and his or her civil partner.]

^{F6F7}(b)

Changes to legislation: There are currently no known outstanding effects for the Theft Act 1968, Section 30. (See end of Document for details)

- (5) ^{F8}Notwithstanding [^{F9}section 6 of the Prosecution of Offences Act 1979] subsection (4) of this section shall apply—
- (a) to an arrest (if without warrant) made by the wife or husband, [^{F3}or civil partner]^{F3} and
 - (b) to a warrant of arrest issued on an information laid by the wife or husband [^{F3}or civil partner]^{F3}.

Textual Amendments

- F1** S. 30 heading substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(1), 263, **Sch. 27 para. 27(4)**; S.I. 2005/3175, **art. 2(2)**
- F2** S. 30(3) repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 121, **Sch. 7 Pt. V**
- F3** Words in s. 30(4)(5) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(1), 263, **Sch. 27 para. 27(2)**; S.I. 2005/3175, **art. 2(2)**
- F4** S. 30: word at end of para. (a)(ii) of proviso repealed (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(1)(4), 263, **Sch. 27 para. 27(3)**, **Sch. 30**; S.I. 2005/3175, **art. 2(2)(6)**
- F5** Word repealed by [Criminal Jurisdiction Act 1975 \(c. 59\)](#), **Sch. 6 Pt. I**
- F6** S. 30: para. (a)(iii) and preceding word in proviso inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(1), 262, **Sch. 27 para. 27(3)**; S.I. 2005/3175, **art. 2(2)**
- F7** Proviso (4)(b) repealed by [Criminal Jurisdiction Act 1975 \(c. 59\)](#), **Sch. 6 Pt. I**
- F8** S. 30(5) added by [Criminal Jurisdiction Act 1975 \(c. 59\)](#), **Sch. 5 para. 2(1)**
- F9** Words substituted by [Prosecution of Offences Act 1979 \(c. 31, SIF 39:1\)](#), **Sch. 1**

Modifications etc. (not altering text)

- C1** S. 30(1) applied by [Theft Act 1978 \(c. 31, SIF 39:6\)](#), **s. 5(2)**
- C2** S. 30(4) modified (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 63(1), 94, **Sch. 6 para. 1** (with [Sch. 13 para. 5](#)); S.I. 2008/2504, **art. 2(a)**

Changes to legislation:

There are currently no known outstanding effects for the Theft Act 1968, Section 30.