



Aggravated Vehicle-Taking Act 1992

1992 CHAPTER 11

An Act to make provision with respect to persons who commit offences under section 12(1) of the Theft Act 1968 in relation to a mechanically propelled vehicle where additional circumstances are present relating to the driving of or damage to the vehicle.

[6th March 1992]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 New offence of aggravated vehicle-taking

- (1) After section 12 of the Theft Act 1968 (taking conveyances without authority) there shall be inserted the following section—

“12A Aggravated vehicle-taking

- (1) Subject to subsection (3) below, a person is guilty of aggravated taking of a vehicle if—
- (a) he commits an offence under section 12(1) above (in this section referred to as a “basic offence”) in relation to a mechanically propelled vehicle; and
 - (b) it is proved that, at any time after the vehicle was unlawfully taken (whether by him or another) and before it was recovered, the vehicle was driven, or injury or damage was caused, in one or more of the circumstances set out in paragraphs (a) to (d) of subsection (2) below.
- (2) The circumstances referred to in subsection (1)(b) above are—
- (a) that the vehicle was driven dangerously on a road or other public place;
 - (b) that, owing to the driving of the vehicle, an accident occurred by which injury was caused to any person;

- (c) that, owing to the driving of the vehicle, an accident occurred by which damage was caused to any property, other than the vehicle;
 - (d) that damage was caused to the vehicle.
- (3) A person is not guilty of an offence under this section if he proves that, as regards any such proven driving, injury or damage as is referred to in subsection (1)(b) above, either—
- (a) the driving, accident or damage referred to in subsection (2) above occurred before he committed the basic offence; or
 - (b) he was neither in nor on nor in the immediate vicinity of the vehicle when that driving, accident or damage occurred.
- (4) A person guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or, if it is proved that, in circumstances falling within subsection (2)(b) above, the accident caused the death of the person concerned, five years.
- (5) If a person who is charged with an offence under this section is found not guilty of that offence but it is proved that he committed a basic offence, he may be convicted of the basic offence.
- (6) If by virtue of subsection (5) above a person is convicted of a basic offence before the Crown Court, that court shall have the same powers and duties as a magistrates' court would have had on convicting him of such an offence.
- (7) For the purposes of this section a vehicle is driven dangerously if—
- (a) it is driven in a way which falls far below what would be expected of a competent and careful driver; and
 - (b) it would be obvious to a competent and careful driver that driving the vehicle in that way would be dangerous.
- (8) For the purposes of this section a vehicle is recovered when it is restored to its owner or to other lawful possession or custody; and in this subsection “owner” has the same meaning as in section 12 above.”
- (2) The provisions of subsection (4) of section 12A of the Theft Act 1968 are without prejudice to the operation of—
- (a) section 30 of the Powers of Criminal Courts Act 1973 (under which a Crown Court has a general power to fine an offender convicted on indictment); and
 - (b) section 17 of, and Schedule 1 to, the Magistrates' Courts Act 1980 (under which, with certain exceptions not material to section 12A, offences under the Theft Act 1968 are triable either way).
- (3) Nothing in section 12A of the Theft Act 1968 applies to—
- (a) an offence under section 12(1) of that Act which was committed before this section comes into force; or
 - (b) any driving, injury or damage which occurred before this section comes into force.

2 Offence to be tried only summarily if value of damage is small

- (1) In Schedule 2 to the Magistrates' Courts Act 1980 (offences for which the value involved is relevant to the mode of trial) after paragraph 2 there shall be inserted the following paragraph—

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| 3. “Offences under section 12A of the Theft Act 1968 (aggravated vehicle-taking) where no allegation is made under subsection (1) (b) other than of damage, whether to the vehicle or other property or both. | The total value of the damage alleged to have been caused. | (1) In the case of damage to any property other than the vehicle involved in the offence, as for the corresponding entry in paragraph 1 above, substituting a reference to the time of the accident concerned for any reference to the material time.

(2) In the case of damage to the vehicle involved in the offence —
(a) if immediately after the vehicle was recovered the damage was capable of repair—
(i) what would probably then have been the market price for the repair of the damage,
or
(ii) what the vehicle would probably have cost to buy in the |
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Status: This is the original version (as it was originally enacted).

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(b) if
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vehicle was
recovered
the damage
was beyond
repair, what
the vehicle
would
probably
have cost to
buy in the
open market
immediately
before it was
unlawfully
taken.”

(2) In the Magistrates' Courts Act 1980, at the end of section 22 (which introduces Schedule 2) there shall be added the following subsection—

“(12) Subsection (8) of section 12A of the Theft Act 1968 (which determines when a vehicle is recovered) shall apply for the purposes of paragraph 3 of Schedule 2 to this Act as it applies for the purposes of that section.”

(3) In section 33 of the Magistrates' Courts Act 1980 (maximum penalties on summary conviction in pursuance of section 22)—

(a) in subsection (1), at the beginning of paragraph (a) there shall be inserted the words “subject to subsection (3) below”; and

(b) after subsection (2) there shall be inserted the following subsection—

“(3) Paragraph (a) of subsection (1) above does not apply to an offence under section 12A of the Theft Act 1968 (aggravated vehicle-taking).”

3 **Obligatory disqualification**

(1) In Schedule 2 to the Road Traffic Offenders Act 1988 (punishment of offences, etc.), in Part II (disqualification, endorsement and penalty points for offences under Acts other

than the Traffic Acts) after the entry relating to manslaughter and culpable homicide there shall be inserted the following entry—

“An offence under section 12A of the Theft Act 1968 (aggravated vehicle-taking).	Obligatory.	Obligatory.	3-11”.
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- (2) In section 34 of the Road Traffic Offenders Act 1988 (disqualification for certain offences), after subsection (1) (obligatory disqualification except for special reasons) there shall be inserted the following subsection—

“(1A) Where a person is convicted of an offence under section 12A of the Theft Act 1968 (aggravated vehicle-taking), the fact that he did not drive the vehicle in question at any particular time or at all shall not be regarded as a special reason for the purposes of subsection (1) above.”

4 Short title, commencement and extent

- (1) This Act may be cited as the Aggravated Vehicle-Taking Act 1992.
- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different purposes.
- (3) This Act extends to England and Wales only.