



Aggravated Vehicle-Taking Act 1992

1992 CHAPTER 11

1 New offence of aggravated vehicle-taking.

- (1) After section 12 of the ^{M1}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.

Changes to legislation: There are currently no known outstanding effects for the Aggravated Vehicle-Taking Act 1992, Section 1. (See end of Document for details)

- (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 ^{M2}Theft Act 1968 are without prejudice to the operation of—
- (a) [^{F1}section 120 of the Sentencing Code] (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 ^{M3}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 ^{M4}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.

Textual Amendments

F1 Words in s. 1(2)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 123](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Commencement Information

I1 S. 1 wholly in force at 1. 4. 1992 see s. 4(2) and [S.I. 1992/764](#), [art. 2](#).

Marginal Citations

M1 1968 c. 60.
M2 1968 c. 60.
M3 1980 c. 43.
M4 1968 c. 60.

Changes to legislation:

There are currently no known outstanding effects for the Aggravated Vehicle-Taking Act 1992, Section 1.