



# Theft Act (Northern Ireland) 1969 <sup>F1</sup>

## 1969 CHAPTER 16

An Act to revise the law of Northern Ireland as to theft and similar or associated offences; and for purposes connected therewith. [10th July 1969]

**F1** mod. by [1981 NI 26](#)

### DEFINITION OF “THEFT”

#### **1 Basic definition of theft.**

- (1) A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it; and “thief” and “steal” shall be construed accordingly.
- (2) It is immaterial whether the appropriation is made with a view to gain, or is made for the thief's own benefit.
- (3) The five following sections shall have effect as regards the interpretation and operation of this section (and, except as otherwise provided by this Act, shall apply only for purposes of this section).

#### **2 “Dishonestly”.**

- (1) A person's appropriation of property belonging to another is not to be regarded as dishonest—
  - (a) if he appropriates the property in the belief that he has in law the right to deprive the other of it, on behalf of himself or of a third person; or
  - (b) if he appropriates the property in the belief that he would have the other's consent if the other knew of the appropriation and the circumstances of it; or
  - (c) (except where the property came to him as trustee or personal representative) if he appropriates the property in the belief that the person to whom the property belongs cannot be discovered by taking reasonable steps.

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*Changes to legislation: There are currently no known outstanding effects for the Theft Act (Northern Ireland) 1969. (See end of Document for details)*

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- (2) A person's appropriation of property belonging to another may be dishonest notwithstanding that he is willing to pay for the property.

### 3 “Appropriates”.

- (1) Any assumption by a person of the rights of an owner amounts to an appropriation, and this includes, where he has come by the property (innocently or not) without stealing it, any later assumption of a right to it by keeping or dealing with it as owner.
- (2) Where property or a right or interest in property is or purports to be transferred for value to a person acting in good faith, no later assumption by him of rights which he believed himself to be acquiring shall, by reason of any defect in the transferor's title, amount to theft of the property.

### 4 “Property”.

- (1) “Property” includes money and all other property, real or personal, including things in action and other intangible property.
- (2) A person cannot steal land, or things forming part of land and severed from it by him or by his directions, except in the following cases, that is to say—
- (a) when he is a trustee or personal representative, or is authorised by power of attorney, or as liquidator of a company, or otherwise, to sell or dispose of land belonging to another, and he appropriates the land or anything forming part of it by dealing with it in breach of the confidence reposed in him; or
  - (b) when he is not in possession of the land and appropriates anything forming part of the land by severing it or causing it to be severed, or after it has been severed; or
  - (c) when, being in possession of the land under a tenancy, he appropriates the whole or part of any fixture or structure let to be used with the land.

For purposes of this subsection, “land” does not include incorporeal hereditaments; “tenancy” means a tenancy for years or any less period and includes an agreement for such a tenancy, but a person who, after the end of a tenancy, remains in possession as statutory tenant or otherwise is to be treated as having possession under the tenancy, and “let” shall be construed accordingly.

- (3) A person who picks mushrooms growing wild on any land, or who picks flowers, fruit or foliage from a plant growing wild on any land, does not (although not in possession of the land) steal what he picks, unless he does it for reward or for sale or other commercial purpose.

For purposes of this subsection, “mushroom” includes any fungus, and “plant” includes any shrub or tree.

- (4) Wild creatures, tamed or untamed, shall be regarded as property; but a person cannot steal a wild creature not tamed nor ordinarily kept in captivity, or the carcase of any such creature, unless either it has been reduced into possession by or on behalf of another person and possession of it has not since been lost or abandoned, or another person is in course of reducing it into possession.

## **5 “Belonging to another”.**

- (1) Property shall be regarded as belonging to any person having possession or control of it, or having in it any proprietary right or interest (not being an equitable interest arising only from an agreement to transfer or grant an interest).
- (2) Where property is subject to a trust, the persons to whom it belongs shall be regarded as including any person having a right to enforce the trust, and an intention to defeat the trust shall be regarded accordingly as an intention to deprive of the property any person having that right.
- (3) Where a person receives property from or on account of another, and is under an obligation to the other to retain and deal with that property or its proceeds in a particular way, the property or proceeds shall be regarded (as against him) as belonging to the other.
- (4) Where a person gets property by another's mistake, and is under an obligation to make restoration (in whole or in part) of the property or its proceeds or of the value thereof, then, to the extent of that obligation, the property or proceeds shall be regarded (as against him) as belonging to the person entitled to restoration and an intention not to make restoration shall be regarded accordingly as an intention to deprive that person of the property or proceeds.
- (5) Property of a corporation sole shall be regarded as belonging to the corporation notwithstanding a vacancy in the corporation.

## **6 “With the intention of permanently depriving the other of it”.**

- (1) A person appropriating property belonging to another without meaning the other permanently to lose the thing itself is nevertheless to be regarded as having the intention of permanently depriving the other of it if his intention is to treat the thing as his own to dispose of regardless of the other's rights; and a borrowing or lending of it may amount to so treating it if, but only if, the borrowing or lending is for a period and in circumstances making it equivalent to an outright taking or disposal.
- (2) Without prejudice to the generality of subsection (1), where a person, having possession or control (lawfully or not) of property belonging to another, parts with the property under a condition as to its return which he may not be able to perform, this (if done for purposes of his own and without the other's authority) amounts to treating the property as his own to dispose of regardless of the other's rights.

## **THEFT, ROBBERY, BURGLARY, ETC.**

## **7 Theft.**

A person guilty of theft shall, on conviction on indictment, be liable to imprisonment for a term not exceeding ten years.

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## 8 Robbery.

- (1) A person is guilty of robbery if he steals, and immediately before or at the time of doing so, and in order to do so, he uses force on any person or puts or seeks to put any person in fear of being then and there subjected to force.
- (2) A person guilty of robbery, or of an assault with intent to rob, shall, on conviction on indictment, be liable to imprisonment for life.

## 9 Burglary.

- (1) A person is guilty of burglary if—
  - (a) he enters any building or part of a building as a trespasser and with intent to commit any such offence as is mentioned in subsection (2); or
  - (b) having entered any building or part of a building as a trespasser, he steals or attempts to steal anything in the building or that part of it, or inflicts or attempts to inflict on any person therein any grievous bodily harm.
- (2) The offences referred to in subsection (1)(a) are offences of stealing anything in the building or part of a building in question, of inflicting on any person therein any grievous bodily harm<sup>F2</sup> . . . and of doing unlawful damage to the building or anything therein.
- (3) References in subsections (1) and (2) to a building shall apply also to an inhabited vehicle or vessel, and shall apply to any such vehicle or vessel at times when the person having a habitation in it is not there as well as at times when he is there.
- (4) A person guilty of burglary shall, on conviction on indictment, be liable to imprisonment for a term not exceeding fourteen years.

<b>F2</b>	Words in s. 9(2) repealed (2.2.2009) by <a href="#">Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2))</a> , arts. 1(3), 81, 83, Sch. 1 para. 13(2), <b>Sch. 3</b> (with Sch. 2 para. 1); S.R. 2008/510, <b>art. 2</b>
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## 10 Aggravated burglary.

- (1) A person is guilty of aggravated burglary if he commits any burglary and at the time has with him any firearm or imitation firearm, any weapon of offence or any explosive; and, for this purpose—
  - (a) “firearm” includes an airgun or air pistol, and “imitation firearm” means anything which has the appearance of being a firearm, whether capable of being discharged or not;
  - (b) “weapon of offence” means any article made or adapted for use for causing injury to or incapacitating a person, or intended by the person having it with him for such use; and
  - (c) “explosive” means any article manufactured for the purpose of producing a practical effect by explosion, or intended by the person having it with him for that purpose.
- (2) A person guilty of aggravated burglary shall, on conviction on indictment, be liable to imprisonment for life.

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## **11 Removal of articles from places open to the public.**

- (1) Subject to subsections (2) and (3), where the public have access to a building in order to view the building or part of it, or a collection or part of a collection housed in it, any person who without lawful authority removes from the building or its grounds the whole or part of any article displayed or kept for display to the public in the building, or that part of it, or in its grounds shall be guilty of an offence.

For this purpose, “collection” includes a collection got together for a temporary purpose, but references in this section to a collection do not apply to a collection made or exhibited for the purpose of effecting sales or other commercial dealings.

- (2) It is immaterial for purposes of subsection (1) that the public's access to a building is limited to a particular period or particular occasion; but, where anything removed from a building or its grounds is there otherwise than as forming part of, or being on loan for exhibition with, a collection intended for permanent exhibition to the public, the person removing it does not thereby commit an offence under this section unless he removes it on a day when the public have access to the building as mentioned in subsection (1).
- (3) A person does not commit an offence under this section if he believes that he has lawful authority for the removal of the thing in question or that he would have it if the person entitled to give it knew of the removal and the circumstances of it.
- (4) A person guilty of an offence under this section shall, on conviction on indictment, be liable to imprisonment for a term not exceeding five years.

## **12 Taking of vehicles and other conveyances without authority.**

*Subs.(1) rep. by 1970 c.2 (NI)*

- (2) <sup>F3</sup> Subject to subsection (7), a person shall be guilty of an offence if, without having the consent of the owner or other lawful authority, he takes any conveyance for his own or another's use or, knowing that any conveyance has been taken without such authority, drives it or allows himself to be carried in or on it.
- (3) A person guilty of an offence under subsection (2) shall—
- (a) on conviction on indictment, be liable to imprisonment for a term not exceeding three years;
  - (b) on summary conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding<sup>F4</sup> level 3 on the standard scale], or to both.
- (4) On the trial of any indictment for the theft of a conveyance, the jury may acquit the defendant of theft and find him guilty of an offence under subsection (2).
- (5) A court of summary jurisdiction dealing summarily with the offence of theft of a conveyance may acquit the defendant of theft and find him guilty of an offence under subsection (2).

*Subs. (6) rep. by 1989 NI 12*

- (7) A person does not commit an offence under subsection (2) by anything done in the belief that he has lawful authority to do it or that he would have the owner's consent if the owner knew of his doing it and the circumstances of it.