



Theft (Amendment) Act 1996

1996 CHAPTER 62

An Act to amend the Theft Act 1968 and the Theft Act 1978; and for connected purposes. [18th December 1996]

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 Obtaining a money transfer by deception

(1) After section 15 of the Theft Act 1968 insert—

“15A Obtaining a money transfer by deception

- (1) A person is guilty of an offence if by any deception he dishonestly obtains a money transfer for himself or another.
- (2) A money transfer occurs when—
 - (a) a debit is made to one account,
 - (b) a credit is made to another, and
 - (c) the credit results from the debit or the debit results from the credit.
- (3) References to a credit and to a debit are to a credit of an amount of money and to a debit of an amount of money.
- (4) It is immaterial (in particular)—
 - (a) whether the amount credited is the same as the amount debited;
 - (b) whether the money transfer is effected on presentment of a cheque or by another method;
 - (c) whether any delay occurs in the process by which the money transfer is effected;
 - (d) whether any intermediate credits or debits are made in the course of the money transfer;

(e) whether either of the accounts is overdrawn before or after the money transfer is effected.

(5) A person guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for a term not exceeding ten years.

15B Section 15A: supplementary

(1) The following provisions have effect for the interpretation of section 15A of this Act.

(2) “Deception” has the same meaning as in section 15 of this Act.

(3) “Account” means an account kept with—

- (a) a bank; or
- (b) a person carrying on a business which falls within subsection (4) below.

(4) A business falls within this subsection if—

- (a) in the course of the business money received by way of deposit is lent to others; or
- (b) any other activity of the business is financed, wholly or to any material extent, out of the capital of or the interest on money received by way of deposit;

and “deposit” here has the same meaning as in section 35 of the Banking Act 1987 (fraudulent inducement to make a deposit).

(5) For the purposes of subsection (4) above—

- (a) all the activities which a person carries on by way of business shall be regarded as a single business carried on by him; and
- (b) “money” includes money expressed in a currency other than sterling or in the European currency unit (as defined in Council Regulation No. 3320/94/EC or any Community instrument replacing it).”

(2) Nothing in this section has effect in relation to anything done before the day on which this Act is passed.

2 Dishonestly retaining a wrongful credit

(1) After section 24 of the Theft Act 1968 insert—

“24A Dishonestly retaining a wrongful credit

(1) A person is guilty of an offence if—

- (a) a wrongful credit has been made to an account kept by him or in respect of which he has any right or interest;
- (b) he knows or believes that the credit is wrongful; and
- (c) he dishonestly fails to take such steps as are reasonable in the circumstances to secure that the credit is cancelled.

(2) References to a credit are to a credit of an amount of money.

- (3) A credit to an account is wrongful if it is the credit side of a money transfer obtained contrary to section 15A of this Act.
 - (4) A credit to an account is also wrongful to the extent that it derives from—
 - (a) theft;
 - (b) an offence under section 15A of this Act;
 - (c) blackmail; or
 - (d) stolen goods.
 - (5) In determining whether a credit to an account is wrongful, it is immaterial (in particular) whether the account is overdrawn before or after the credit is made.
 - (6) A person guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for a term not exceeding ten years.
 - (7) Subsection (8) below applies for purposes of provisions of this Act relating to stolen goods (including subsection (4) above).
 - (8) References to stolen goods include money which is dishonestly withdrawn from an account to which a wrongful credit has been made, but only to the extent that the money derives from the credit.
 - (9) In this section “account” and “money” shall be construed in accordance with section 15B of this Act.”
- (2) This section applies to wrongful credits made on or after the day on which this Act is passed.

3 The new offences: jurisdiction

- (1) In section 1(2) of the Criminal Justice Act 1993 (Group A offences for the purposes of the jurisdictional provisions) paragraph (a) (list of offences under the Theft Act 1968) shall be amended as follows.
- (2) After the entry relating to section 15 insert—

“section 15A (obtaining a money transfer by deception);”.
- (3) After the entry relating to section 22 insert—

“section 24A (retaining credits from dishonest sources, etc.);”.

4 Application to loans of offence of obtaining services by deception

- (1) In section 1 of the Theft Act 1978 (obtaining services by deception) after subsection (2) (circumstances where there is an obtaining of services) insert—

“(3) Without prejudice to the generality of subsection (2) above, it is an obtaining of services where the other is induced to make a loan, or to cause or permit a loan to be made, on the understanding that any payment (whether by way of interest or otherwise) will be or has been made in respect of the loan.”
- (2) Nothing in this section has effect in relation to anything done before the day on which this Act is passed.

5 Short title and extent

- (1) This Act may be cited as the Theft (Amendment) Act 1996.
- (2) Subject to subsection (3), this Act extends to England and Wales only.
- (3) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which contains a statement that it is made only for purposes corresponding to the purposes of this Act—
 - (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
 - (b) shall be subject to annulment by resolution of either House.