

Status: Point in time view as at 15/01/2007.

Changes to legislation: There are currently no known outstanding effects for the Fraud Act 2006, Cross Heading: Theft Act (Northern Ireland) 1969 (c. 16 (N.I.)). (See end of Document for details)

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))

- 9 Omit section 15B (section 15A: supplementary).
- 10 In section 19(3) (suppression etc. of documents—interpretation), omit “deception” has the same meaning as in section 15, and ”.
- 11 (1) In section 23(5) (meaning of “stolen goods”) for “in the circumstances described in section 15(1)” substitute “ , subject to subsection (6), by fraud (within the meaning of the Fraud Act 2006) ”.
- (2) After section 23(5) insert—
- “(6) Subsection (1) applies in relation to goods obtained by fraud as if—
- (a) the reference to the commencement of this Act were a reference to the commencement of the Fraud Act 2006, and
- (b) the reference to an offence under this Act were a reference to an offence under section 1 of that Act.”
- 12 (1) In section 23A (dishonestly retaining a wrongful credit), omit subsections (3) and (4) and after subsection (2) insert—
- “(2A) A credit to an account is wrongful to the extent that it derives from—
- (a) theft;
- (b) blackmail;
- (c) fraud (contrary to section 1 of the Fraud Act 2006); or
- (d) stolen goods.”
- (2) In subsection (7), for “subsection (4)” substitute “ subsection (2A) ”.
- (3) For subsection (9) substitute—
- “(9) “Account” means an account kept with—
- (a) a bank;
- (b) a person carrying on a business which falls within subsection (10); or
- (c) an issuer of electronic money (as defined for the purposes of Part 2 of the Financial Services and Markets Act 2000).
- (10) 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.

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- (11) References in subsection (10) to a deposit must be read with—
- (a) section 22 of the Financial Services and Markets Act 2000;
 - (b) any relevant order under that section; and
 - (c) Schedule 2 to that Act;
- but any restriction on the meaning of deposit which arises from the identity of the person making it is to be disregarded.

- (12) For the purposes of subsection (10)—
- (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.”

- 13 In section 24 (going equipped for burglary, theft or cheat)—
- (a) in subsections (1) and (3), for “burglary, theft or cheat” substitute “burglary or theft”, and
 - (b) in subsection (5), omit “, and “cheat” means an offence under section 15”.

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