



# Theft Act 1968

## 1968 CHAPTER 60

### *Fraud and blackmail*

#### **15 Obtaining property by deception.**

- (1) A person who by any deception dishonestly obtains property belonging to another, with the intention of permanently depriving the other of it, shall on conviction on indictment be liable to imprisonment for a term not exceeding ten years.
- (2) For purposes of this section a person is to be treated as obtaining property if he obtains ownership, possession or control of it, and “obtain” includes obtaining for another or enabling another to obtain or to retain.
- (3) Section 6 above shall apply for purposes of this section, with the necessary adaptation of the reference to appropriating, as it applies for purposes of section 1.
- (4) For purposes of this section “deception” means any deception (whether deliberate or reckless) by words or conduct as to fact or as to law, including a deception as to the present intentions of the person using the deception or any other person.

#### **Modifications etc. (not altering text)**

C1 S. 15 extended (prosp.) by Nuclear Material (Offences) Act 1983 (c. 18, SIF 8), ss. 1(1)(d), 8(2)

#### **[<sup>F1</sup>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.

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- (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.]

#### Textual Amendments

**F1** S. 15A inserted (18.12.1996) by 1996 c. 62, s. 1

#### <sup>F2</sup>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;

<sup>F3</sup> . . .

[<sup>F4</sup>(4A) References in subsection (4) 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.]

- (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).

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**Textual Amendments**

- F2** S. 15B inserted (18.12.1996) by 1996 c. 62, s. 1
- F3** Words in s. 15B(4) repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 278(2)
- F4** Words in s. 15B(4A) inserted (1.12.2001) by S.I. 2001/3649, arts. 1, 278(3)

**16 Obtaining pecuniary advantage by deception.**

- (1) A person who by any deception dishonestly obtains for himself or another any pecuniary advantage shall on conviction on indictment be liable to imprisonment for a term not exceeding five years.
- (2) The cases in which a pecuniary advantage within the meaning of this section is to be regarded as obtained for a person are cases where—
  - (a) .....<sup>F5</sup>
  - (b) he is allowed to borrow by way of overdraft, or to take out any policy of insurance or annuity contract, or obtains an improvement of the terms on which he is allowed to do so; or
  - (c) he is given the opportunity to earn remuneration or greater remuneration in an office or employment, or to win money by betting.
- (3) For purposes of this section “deception” has the same meaning as in section 15 of this Act.

**Textual Amendments**

- F5** S. 16(2)(a) repealed by Theft Act 1978 (c. 31, SIF 39:6), s. 5(5)

**17 False accounting.**

- (1) Where a person dishonestly, with a view to gain for himself or another or with intent to cause loss to another,—
  - (a) destroys, defaces, conceals or falsifies any account or any record or document made or required for any accounting purpose; or
  - (b) in furnishing information for any purpose produces or makes use of any account, or any such record or document as aforesaid, which to his knowledge is or may be misleading, false or deceptive in a material particular;he shall, on conviction on indictment, be liable to imprisonment for a term not exceeding seven years.
- (2) For purposes of this section a person who makes or concurs in making in an account or other document an entry which is or may be misleading, false or deceptive in a material particular, or who omits or concurs in omitting a material particular from an account or other document, is to be treated as falsifying the account or document.

**18 Liability of company officers for certain offences by company.**

- (1) Where an offence committed by a body corporate under section 15, 16 or 17 of this Act is proved to have been committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who

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was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

- (2) Where the affairs of a body corporate are managed by its members, this section shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

**Modifications etc. (not altering text)**

**C2** S. 18 applied by **Theft Act 1978 (c. 31, SIF 39:6), s. 5(1)**

**19 False statements by company directors, etc.**

- (1) Where an officer of a body corporate or unincorporated association (or person purporting to act as such), with intent to deceive members or creditors of the body corporate or association about its affairs, publishes or concurs in publishing a written statement or account which to his knowledge is or may be misleading, false or deceptive in a material particular, he shall on conviction on indictment be liable to imprisonment for a term not exceeding seven years.
- (2) For purposes of this section a person who has entered into a security for the benefit of a body corporate or association is to be treated as a creditor of it.
- (3) Where the affairs of a body corporate or association are managed by its members, this section shall apply to any statement which a member publishes or concurs in publishing in connection with his functions of management as if he were an officer of the body corporate or association.

**20 Suppression, etc. of documents.**

- (1) A person who dishonestly, with a view to gain for himself or another or with intent to cause loss to another, destroys, defaces or conceals any valuable security, any will or other testamentary document or any original document of or belonging to, or filed or deposited in, any court of justice or any government department shall on conviction on indictment be liable to imprisonment for a term not exceeding seven years.
- (2) A person who dishonestly, with a view to gain for himself or another or with intent to cause loss to another, by any deception procures the execution of a valuable security shall on conviction on indictment be liable to imprisonment for a term not exceeding seven years; and this subsection shall apply in relation to the making, acceptance, indorsement, alteration, cancellation or destruction in whole or in part of a valuable security, and in relation to the signing or sealing of any paper or other material in order that it may be made or converted into, or used or dealt with as, a valuable security, as if that were the execution of a valuable security.
- (3) For the purposes of this section

“deception” has the same meaning as in section 15 of this Act, and

“valuable security” means any document creating, transferring, surrendering or releasing any right to, in or over property, or authorising the payment of money or delivery of any property, or evidencing the creation, transfer, surrender or release of

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any such right, or the payment of money or delivery of any property, or the satisfaction of any obligation.

## **21 Blackmail.**

- (1) A person is guilty of blackmail if, with a view to gain for himself or another or with intent to cause loss to another, he makes any unwarranted demand with menaces; and for this purpose a demand with menaces is unwarranted unless the person making it does so in the belief—
  - (a) that he has reasonable grounds for making the demand; and
  - (b) that the use of the menaces is a proper means of reinforcing the demand.
- (2) The nature of the act or omission demanded is immaterial, and it is also immaterial whether the menaces relate to action to be taken by the person making the demand.
- (3) A person guilty of blackmail shall on conviction on indictment be liable to imprisonment for a term not exceeding fourteen years.

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### **Modifications etc. (not altering text)**

- C3** S. 21 extended (2.10.1991) by [Nuclear Material \(Offences\) Act 1983 \(c. 18, SIF 8\)](#), **ss. 1(1)(d), 8(2)**; [S.I. 1991/1716](#), **art. 2**

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