

TAKING VEHICLE WITHOUT CONSENT

Road Traffic (NI) Order 1981

172. - ... any person who, without having the consent of the owner or other lawful authority, takes or attempts to take, a motor vehicle, trailer ... for his own or another's use or, knowing that any motor vehicle, trailer ... has been taken without such authority, drives or attempts to drive it or allows himself to be carried in or on it shall be guilty of an offence under this Order.

Maximum Sentence:

Road Traffic Offenders (NI) Order 1996

Summarily: 6 months imprisonment or the statutory maximum fine (£5,000) or both

Indictment: 1 year imprisonment or a fine or both

Disqualification: Discretionary

Endorsement: No

Penalty points: No

Assessment of Offence

(starting points and ranges based on 1st time offender convicted following contest)

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
Taking vehicle of relative/friend, intending to return	Fine + Disqualification	Fine to Community Order + Disqualification
Exceeding authorised use of vehicle (e.g. employer's vehicle; retention of hire car beyond return date)	Fine + Disqualification	Fine to Community Order + Disqualification
Taking a stranger's vehicle	Community Order + Disqualification	Community Order to 3 months Custody + Disqualification

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
<ol style="list-style-type: none"> Vehicle belonging to elderly/disabled person Emergency services vehicle Medium to large goods vehicle Passengers carried Damage caused to lock/ignition in course of taking vehicle Taking vehicle from private premises Offence motivated by, or demonstrating, hostility to victim on account of his membership of a racial group, religious group, sexual orientation group, disability or presumed disability.* 	<ol style="list-style-type: none"> Offender voluntarily returned vehicle to owner

Relevant Cases:

NI Cases

R v McKeown [2016] NICA 24

English Cases

N/A

Notes:

1.*Where a court finds the offence was aggravated by 'hostility' it shall state in open court that the offence was so aggravated (Criminal Justice (No.2)(NI) Order 2004, Article 2