

ABSTRACTING ELECTRICITY

Theft Act (NI) 1969

Art.13 - A person who dishonestly uses without due authority, or dishonestly causes to be wasted or diverted, any electricity shall, on conviction on indictment, be liable to imprisonment ...

Maximum Sentence:

Theft Act (NI) 1969, s.13

Indictment: 5 years imprisonment or an unlimited fine or both

Magistrates' Courts (NI) Order 1981, Art. 46(4)

Summary: 12 months imprisonment or a fine not exceeding the prescribed sum (£5,000) or both

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> |
|--|--|---|
| Little or no sophistication in how offence committed (e.g. simply using a cable to bypass electricity meter) | Community Order + Restitution Order | Community Order to 3 months Custody + Restitution Order |
| Sophisticated methods used to abstract the electricity (e.g. using a device to interfere with the meter or connecting into electricity feed for another property) | 3 months Custody + Restitution Order | Community Order to 12 months Custody + Restitution Order |

Examples of Possible Aggravating Factors of Offence

1. Offence committed over long period of time
2. Method of abstraction presented a risk of danger to people or property
3. Method of abstraction resulted in innocent 3rd party paying for the electricity

Examples of Possible Mitigating Factor of Offence

1. Offence committed out of desperation
2. Voluntary restitution paid

Relevant Cases:

NI Cases:

1. N/A

English Cases:

1. R v Hodkinson (1980) 2 Cr App R (S) 331

Notes:

1. Indictable offence triable summarily with consent of the accused (Art.45 of, and Sch.2 to, the Magistrate's Court (NI) Order 1981).