

THEFT (Breach of Trust)

Theft Act (NI) 1969

- 1.- (1) A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it; and "thief" and "steal" shall be construed accordingly.
(2) It is immaterial whether the appropriation is made with a view to gain, or is made for the thief's own benefit.

Maximum Sentence:

Theft Act (NI) 1969, s.7

Indictment: 10 years imprisonment or an unlimited fine or both

Magistrates' Court (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>
Single theft	3 months Custody	Community Order to 6 months Custody
Planned course of conduct	6 months Custody	Community Order to 12 months Custody

Examples of Possible Aggravating Factors of Offence

1. Long course of offending
2. Suspicion deliberately thrown on others
3. Offender motivated by intention to cause harm or out of revenge
4. Elaborate plan to cover-up theft (e.g. falsification of accounts)
5. Value of loss caused
6. Impact on victim

Examples of Possible Mitigating Factor of Offence

1. Return/Replacement of stolen property
2. Offence motivated by sense of desperation

Relevant Cases:

NI Cases:

1. R v Gault [1989] NI 232
2. R v Conlon [1999] 10 BNIL 62
3. R v Millen [2006] NICC 16
4. R v Nurse [2010] NICC 3

English Cases:

1. R v Clark [1998] 2 Cr App Rep 137

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).
2. If committed in relation to a motor vehicle then court also has discretion to disqualify from driving (Sch.1 to the Road Traffic Offenders (NI) Order 1996).