

## THEFT (Shoplifting)

### 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 1<sup>st</sup> time offender convicted following contest)*

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
Little or no planning or sophistication AND goods stolen of low value	Community Order	Fine to Community Order
Evidence of some planning (e.g. going equipped)	Community Order	Fine to 3 months Custody
Organised group AND high level of planning	3 months Custody	Community Order to 6 months Custody

### Examples of Possible Aggravating Factors of Offence

1. Child accompanying offender is involved or aware of theft
2. Professional offending
3. Victim particularly vulnerable (e.g. small independent shop)
4. Offender targeted high value goods
5. 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.\*

### Examples of Possible Mitigating Factor of Offence

1. Offender motivated by sense of desperation

### Relevant Cases:

*NI Cases:*

1. R v Finkle (4 August 1988)(Unreported)
2. R v Belfast Recorder, ex parte McNally [1992] NI 217

*English cases:*

1. R v Page [2004] EWCA Crim 3358

### 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.\*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)