

## **THEFT (Simpliciter)**

### **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: 10years 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><b>Nature of Offence</b></u>	<u><b>Starting Point</b></u>	<u><b>Sentencing Range</b></u>
Theft from the person not involving vulnerable victim AND low value	Community Order	Fine to 3 months Custody
Theft from vulnerable victim	4 months Custody	Community Order to 12 months Custody

#### **Examples of Possible Aggravating Factors of Offence**

1. Offender motivated by intention to cause harm or out of revenge
2. High level of inconvenience caused to victim (e.g. replacing house keys, credit cards, etc.)
3. 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**

N/A

### **Relevant Cases:**

*NI Cases:*

1. R v Jackson (4 April 1995)(Unreported)
2. R v Boyd [1996] NIJB 130

### **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).
- 3.\*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)