

STATUTORY INSTRUMENTS

**1997 No. 277 (N.I. 3)**

**The Theft (Amendment) (Northern Ireland) Order 1997**

- - - - - 12th February 1997

**Title and commencement**

1.—(1) This Order may be cited as the Theft (Amendment) (Northern Ireland) Order 1997.

(2) This Order shall come into operation on the expiration of one month from the day on which it is made.

**Interpretation**

2. The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

**Obtaining a money transfer by deception**

3. <sup>F1</sup> .....

**Annotations:**

**F1** Art. 3 repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\), ss. 14\(3\), 15\(1\), Sch. 3](#); S.I. 2006/3200, [art. 2](#)

**Dishonestly retaining a wrongful credit**

4.—(1) After section 23 of the Theft Act (Northern Ireland) 1969 there shall be inserted the following section—

**“Dishonestly retaining a wrongful credit.**

**23A.—**(1) A person is guilty of an offence if—

- (a) a wrongful credit has been made to an account kept by him or in respect of which he has any right or interest;
- (b) he knows or believes that the credit is wrongful; and
- (c) he dishonestly fails to take such steps as are reasonable in the circumstances to secure that the credit is cancelled.

(2) References to a credit are to a credit of an amount of money.

(3) A credit to an account is wrongful if it is the credit side of a money transfer obtained contrary to section 15A.

(4) A credit to an account is also wrongful to the extent that it derives from—