

MAKING OFF WITHOUT PAYMENT

Theft (NI) Order 1978

- s.5 - (1) Subject to paragraph (3), a person who, knowing that payment on the spot for any goods supplied or service done is required or expected from him, dishonestly makes off without having paid as required or expected and with intent to avoid payment of the amount due shall be guilty of an offence.
- (2) For purposes of this Article "payment on the spot" includes payment at the time of collecting goods on which work has been done or in respect of which service has been provided.
- (3) Paragraph (1) shall not apply where the supply of the goods or the doing of the service is contrary to law, or where the service done is such that payment is not legally enforceable.

Maximum Sentence:

Theft (NI) Order 1978, s.6

Indictment: 2 years imprisonment or an unlimited fine or both

Summary: 6 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 planning or sophistication	Community Order + Restitution Order	Fine to Community Order + Restitution Order
Acting in unison or part of a group OR Intimidation of victim OR High level of planning or sophistication	Community Order + Restitution Order	Community Order to 6 months Custody + Restitution Order

Examples of Possible Aggravating Factors of Offence

1. Value of the goods/services
2. Child accompanying offender is involved or aware of theft
3. Victim particularly vulnerable (e.g. small independent shop or service provider)

Examples of Possible Mitigating Factor of Offence

1. Offender motivated by sense of desperation
2. Voluntary restitution paid

Relevant Cases:

NI Cases:

N/A

English Cases:

N/A

Notes:

1. General power to disqualify from holding a driving licence under Article 91 of the Criminal Justice (NI) Order 2008.