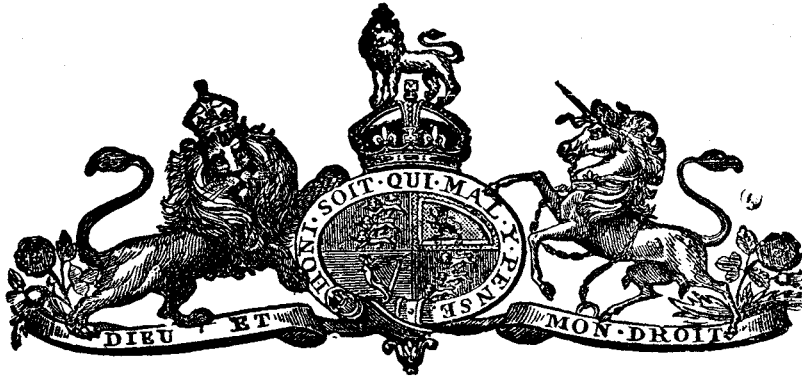


TASMANIA.



1923.

ANNO TERTIO DECIMO
GEORGII V. REGIS.

No. 18.

ANALYSIS.

- | | |
|---|--|
| <ul style="list-style-type: none"> 1. Short title.
Principal Act. 2. Amendment of Principal Act by addition of new Sections 1a and 1b.
Definition of stealing.
Things capable of being stolen. 3. Amendment of Sections 48 and 49 of Principal Act. 4. Amendment of Principal Act by addition of new Section 80a. | <ul style="list-style-type: none"> Conviction for obtaining by false pretences on information for stealing. 5. Repeal of Section 81 of Principal Act and substitution of new section.
Receiving. 6. Repeal of Sections 3 and 85 of Principal Act. 7. Larceny of electricity. |
|---|--|



AN ACT to amend "The Larceny Act, 1863." A.D.
1923.
[12 March, 1923.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as "The Larceny Act, 1923"
(2) "The Larceny Act, 1863," is herein called "the Principal Act."
Act." Short title.
Principal Act.
27 Vict. No. 8.

4d.]

Larceny

A.D. 1923.

Amendment of
Principal Act by
addition of new
Sections 1a and
1b.

Definition of
stealing.

Cf. 6 and 7 Geo.
V. c. 50, s. 1.

2 The Principal Act is hereby amended by inserting therein after Section One thereof the following new Sections **1a** and **1b** :—

“**1a** For the purposes of this Act—

i.—(i) A person steals, who, without the consent of the owner, fraudulently and without claim of right made in good faith, takes and carries away anything capable of being stolen with intent at the time of such taking permanently to deprive the owner thereof:

(ii) A person steals any such thing as aforesaid notwithstanding that he has lawful possession thereof, if, being a bailee or part owner thereof, he fraudulently, and with intent to deprive the owner of such thing, converts the same to his own use or to the use of any person other than the owner:

ii. The expression ‘takes’ includes obtaining possession—

(i) By any trick; or

(ii) By intimidation; or

(iii) Through a mistake on the part of the owner, if the taker knows of such mistake; or

(iv) By finding, if at the time of the finding the taker believes that the owner can be discovered by reasonable means:

iii. The expression ‘carries away’ includes any removal of anything from the place which it occupies:

iv. The expression ‘owner’ includes any part-owner or person having possession or control of, or a special property in, anything capable of being stolen.

Things capable of
being stolen.

“**1b**—(1) Every movable thing which has value and is the property of any person is capable of being stolen.

“(2) A thing which has value and is attached to, or forms part of, realty becomes capable of being stolen as soon as it is completely severed therefrom.”

Amendment of
Sections 48 and
49 of Principal
Act.

3 Sections Forty-eight and Forty-nine of the Principal Act are hereby amended by deleting therefrom the word “or” wherever the same occurs immediately before the word “counting-house” therein; and adding after the word “counting-house” in each case the words “office, garage, pavilion, factory, or workshop.”

Amendment of
Principal Act by
addition of new
Section 80a.

Conviction for
obtaining by false
pretences on
information for
stealing.

Ib., s. 44 (3).

4 The Principal Act is hereby amended by inserting therein immediately after Section Eighty thereof the following new Section **80a** :—

“**80a** If, on the trial of any information for stealing any chattel, money, or valuable security, it is proved that the accused person took the same under such circumstances as would amount in law to obtaining the same by false pretences with intent to defraud, the jury may acquit him of stealing, and find him guilty of obtaining such chattel, money, or valuable security by false pretences, and thereupon he shall be liable to be punished accordingly.”

Larceny.

5 Section Eighty-one of the Principal Act is hereby repealed, and the following new Section Eighty-one substituted therefor :—

“**81**—(1) Whosoever shall receive any chattel, money, valuable security, or other property whatsoever, knowing it to have been taken or obtained in any manner whatsoever under circumstances constituting a felony or misdemeanour, shall, if such taking or obtaining amounted to a felony, be guilty of felony ; or, if such taking or obtaining amounted to a misdemeanour, be guilty of a misdemeanour.

“(2) Whosoever shall, without lawful excuse, receive or have in his possession, knowing the same to have been taken or obtained in any manner whatsoever in any place outside Tasmania under circumstances which in Tasmania would constitute a felony or misdemeanour, any chattel, money, valuable security, or other property whatsoever, shall, if such taking or obtaining would in Tasmania constitute a felony, be guilty of felony ; or, if such taking or obtaining would in Tasmania constitute a misdemeanour, be guilty of a misdemeanour

“(3) Every such person as aforesaid may be proceeded against and convicted whether the person who took or obtained such chattel, money, valuable security, or other property has or has not been previously convicted, or is or is not amenable to justice.

“(4) Any person convicted under the provisions of this section shall be liable to imprisonment—

- i. In case of felony, for Fourteen years : and
- ii. In case of misdemeanour, for Seven years.”

6 Section Three and Section Eighty-five of the Principal Act are hereby repealed.

7 Whosoever shall fraudulently or maliciously abstract, take, use, divert, or cause to be diverted or wasted, any electricity or electric current, the property of any other person, shall be guilty of simple larceny.

A.D. 1923.

Repeal of
Section 81 of
Principal Act
and substitution
of new section.
Receiving.

Repeal of Sections
3 and 85 of
Principal Act.

Larceny of
electricity.
Id., s. 10.

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129