

*These notes refer to the Fraud Act 2006 (c.35)
which received Royal Assent on 8 November 2006*

FRAUD ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 2: Transitional Provisions and Savings

Increase in penalty for fraudulent trading

Paragraph 2 preserves the existing (lower) penalty for cases of fraudulent trading under the companies legislation in which the events occurred before the commencement of this Act. Section 16(1)(d) of the Interpretation Act provides that "...where an Act repeals an enactment, the repeal does not, unless the contrary intention appears -(d) affect any penalty.... or punishment committed against that enactment...". This does not preserve a penalty for an offence when there is merely a change in the penalty (and no repeal of the existing offence).