***Changes to legislation:** There are currently no known outstanding effects for the Fraud Act 2006. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Section 14(1)

MINOR AND CONSEQUENTIAL AMENDMENTS

Abolition of various deception offences

1 Omit the following provisions—

(a) in the Theft Act 1968 (c. 60)—

(i) section 15 (obtaining property by deception);

(ii) section 15A (obtaining a money transfer by deception);

(iii) section 16 (obtaining pecuniary advantage by deception);

(iv) section 20(2) (procuring the execution of a valuable security by deception);

(b) in the Theft Act 1978 (c. 31)—

(i) section 1 (obtaining services by deception);

(ii) section 2 (evasion of liability by deception);

(c) in the Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))—

(i) section 15 (obtaining property by deception);

(ii) section 15A (obtaining a money transfer by deception);

(iii) section 16 (obtaining pecuniary advantage by deception);

(iv) section 19(2) (procuring the execution of a valuable security by deception);

(d) in the Theft (Northern Ireland) Order 1978 (S.I. 1978/1407 (N.I. 23))—

(i) Article 3 (obtaining services by deception);

(ii) Article 4 (evasion of liability by deception).

Visiting Forces Act 1952 (c. 67)

2 In the Schedule (offences referred to in section 3 of the 1952 Act), in paragraph 3 (meaning of "offence against property"), after sub-paragraph (l) insert—

"(m) the Fraud Act 2006."

Theft Act 1968 (c. 60)

3 Omit section 15B (section 15A: supplementary).

4 In section 18(1) (liability of company officers for offences by company under section 15, 16 or 17), omit " 15, 16 or ".

5 In section 20(3) (suppression etc. of documents—interpretation), omit "deception" has the same meaning as in section 15 of this Act, and ".

Changes to legislation: *There are currently no known outstanding effects for the Fraud Act 2006. (See end of Document for details)*

6 (1) In section 24(4) (meaning of "stolen goods") for "in the circumstances described in section 15(1) of this Act" substitute " , subject to subsection (5) below, by fraud (within the meaning of the Fraud Act 2006) ".

(2) After section 24(4) insert—

"(5) Subsection (1) above applies in relation to goods obtained by fraud as if—

(a) the reference to the commencement of this Act were a reference to the commencement of the Fraud Act 2006, and

(b) the reference to an offence under this Act were a reference to an offence under section 1 of that Act."

7 (1) In section 24A (dishonestly retaining a wrongful credit), omit subsections (3) and (4) and after subsection (2) insert—

"(2A) A credit to an account is wrongful to the extent that it derives from—

(a) theft;

(b) blackmail;

(c) fraud (contrary to section 1 of the Fraud Act 2006); or

(d) stolen goods."

(2) In subsection (7), for "subsection (4)" substitute " subsection (2A) ".

(3) For subsection (9) substitute—

"(9) "Account" means an account kept with—

(a) a bank;

(b) a person carrying on a business which falls within subsection (10) below; or

(c) an issuer of electronic money (as defined for the purposes of Part 2 of the Financial Services and Markets Act 2000).

(10) A business falls within this subsection if—

(a) in the course of the business money received by way of deposit is lent to others; or

(b) any other activity of the business is financed, wholly or to any material extent, out of the capital of or the interest on money received by way of deposit.

(11) References in subsection (10) above to a deposit must be read with—

(a) section 22 of the Financial Services and Markets Act 2000;

(b) any relevant order under that section; and

(c) Schedule 2 to that Act;

but any restriction on the meaning of deposit which arises from the identity of the person making it is to be disregarded.

(12) For the purposes of subsection (10) above—

(a) all the activities which a person carries on by way of business shall be regarded as a single business carried on by him; and

(b) "money" includes money expressed in a currency other than sterling."

8 In section 25 (going equipped for burglary, theft or cheat)—

(a) in subsections (1) and (3) for "burglary, theft or cheat" substitute " burglary or theft ", and

(b) in subsection (5) omit " , and "cheat" means an offence under section 15 of this Act ".

Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))

9 Omit section 15B (section 15A: supplementary).

10 In section 19(3) (suppression etc. of documents—interpretation), omit "deception" has the same meaning as in section 15, and ".

11 (1) In section 23(5) (meaning of "stolen goods") for "in the circumstances described in section 15(1)" substitute " , subject to subsection (6), by fraud (within the meaning of the Fraud Act 2006) ".

(2) After section 23(5) insert—

"(6) Subsection (1) applies in relation to goods obtained by fraud as if—

(a) the reference to the commencement of this Act were a reference to the commencement of the Fraud Act 2006, and

(b) the reference to an offence under this Act were a reference to an offence under section 1 of that Act."

12 (1) In section 23A (dishonestly retaining a wrongful credit), omit subsections (3) and (4) and after subsection (2) insert—

"(2A) A credit to an account is wrongful to the extent that it derives from—

(a) theft;

(b) blackmail;

(c) fraud (contrary to section 1 of the Fraud Act 2006); or

(d) stolen goods."

(2) In subsection (7), for "subsection (4)" substitute " subsection (2A) ".

(3) For subsection (9) substitute—

"(9) "Account" means an account kept with—

(a) a bank;

(b) a person carrying on a business which falls within subsection (10); or

(c) an issuer of electronic money (as defined for the purposes of Part 2 of the Financial Services and Markets Act 2000).

(10) A business falls within this subsection if—

(a) in the course of the business money received by way of deposit is lent to others; or

(b) any other activity of the business is financed, wholly or to any material extent, out of the capital of or the interest on money received by way of deposit.

(11) References in subsection (10) to a deposit must be read with—

(a) section 22 of the Financial Services and Markets Act 2000;

(b) any relevant order under that section; and

(c) Schedule 2 to that Act;

Changes to legislation: *There are currently no known outstanding effects for the Fraud Act 2006. (See end of Document for details)*

but any restriction on the meaning of deposit which arises from the identity of the person making it is to be disregarded.

(12) For the purposes of subsection (10)—

(a) all the activities which a person carries on by way of business shall be regarded as a single business carried on by him; and

(b) "money" includes money expressed in a currency other than sterling."

13 In section 24 (going equipped for burglary, theft or cheat)—

(a) in subsections (1) and (3), for "burglary, theft or cheat" substitute " burglary or theft ", and

(b) in subsection (5), omit " , and "cheat" means an offence under section 15 ".

Theft Act 1978 (c. 31)

14 In section 4 (punishments), omit subsection (2)(a).

15 In section 5 (supplementary), omit subsection (1).

Theft (Northern Ireland) Order 1978 (S.I. 1978/1407 (N.I. 23))

16 In Article 6 (punishments), omit paragraph (2)(a).

17 In Article 7 (supplementary), omit paragraph (1).

Limitation Act 1980 (c. 58)

18 In section 4 (special time limit in case of theft), for subsection (5)(b) substitute—

"(b) obtaining any chattel (in England and Wales or elsewhere) by—

(i) blackmail (within the meaning of section 21 of the Theft Act 1968), or

(ii) fraud (within the meaning of the Fraud Act 2006);".

Finance Act 1982 (c. 39)

19 In section 11(1) (powers of Commissioners with respect to agricultural levies), for "or the Theft (Northern Ireland) Order 1978," substitute " , the Theft (Northern Ireland) Order 1978 or the Fraud Act 2006 ".

Nuclear Material (Offences) Act 1983 (c. 18)

20 In section 1 (extended scope of certain offences), in subsection (1)(d), omit " 15 or " (in both places).

Police and Criminal Evidence Act 1984 (c. 60)

21 In section 1 (power of constable to stop and search persons, vehicles etc.), in subsection (8), for paragraph (d) substitute—

"(d) fraud (contrary to section 1 of the Fraud Act 2006)."

Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11))

22 In Article 18 (special time limit in case of theft), for paragraph (5)(b) substitute—

"(b) obtaining any chattel (in Northern Ireland or elsewhere) by—

(i) blackmail (within the meaning of section 20 of the Theft Act (Northern Ireland) 1969), or

(ii) fraud (within the meaning of the Fraud Act 2006);".

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

23 In Article 3 (power of constable to stop and search persons, vehicles etc.), in paragraph (8), for sub-paragraph (d) substitute—

"(d) fraud (contrary to section 1 of the Fraud Act 2006)."

Criminal Justice Act 1993 (c. 36)

24 (1) In section 1(2) (Group A offences), omit the entries in paragraph (a) relating to sections 15, 15A, 16 and 20(2) of the Theft Act 1968.

(2) Omit section 1(2)(b).

(3) Before section 1(2)(c) insert—

"(bb) an offence under any of the following provisions of the Fraud Act 2006—

(i) section 1 (fraud);

(ii) section 6 (possession etc. of articles for use in frauds);

(iii) section 7 (making or supplying articles for use in frauds);

(iv) section 9 (participating in fraudulent business carried on by sole trader etc.);

(v) section 11 (obtaining services dishonestly)."

25 (1) Amend section 2 (jurisdiction in respect of Group A offences) as follows.

(2) In subsection (1), after "means" insert " (subject to subsection (1A)) ".

(3) After subsection (1) insert—

"(1A) In relation to an offence under section 1 of the Fraud Act 2006 (fraud), "relevant event" includes—

(a) if the fraud involved an intention to make a gain and the gain occurred, that occurrence;

(b) if the fraud involved an intention to cause a loss or to expose another to a risk of loss and the loss occurred, that occurrence."

Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 (N.I. 15))

26 In Article 14 (compensation orders), in paragraphs (3) and (4)(a) for "or Article 172 of the Road Traffic (Northern Ireland) Order 1981" substitute " , Article 172 of the Road Traffic (Northern Ireland) Order 1981 or the Fraud Act 2006 ".

Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))

27 (1) In Article 38(2) (Group A offences), omit the entries in sub-paragraph (a) relating to sections 15, 15A, 16 and 19(2) of the Theft Act (Northern Ireland) 1969.

(2) Omit Article 38(2)(b).

(3) Before Article 38(2)(c) insert—

"(bb) an offence under any of the following provisions of the Fraud Act 2006—

(i) section 1 (fraud);

(ii) section 6 (possession etc. of articles for use in frauds);

(iii) section 7 (making or supplying articles for use in frauds);

(iv) section 9 (participating in fraudulent business carried on by sole trader etc.);

(v) section 11 (obtaining services dishonestly)."

28 (1) Amend Article 39 (jurisdiction in respect of Group A offences) as follows.

(2) In paragraph (1), after "means" insert " (subject to paragraph (1A)) ".

(3) After paragraph (1) insert—

"(1A) In relation to an offence under section 1 of the Fraud Act 2006 (fraud), "relevant event" includes—

(a) if the fraud involved an intention to make a gain and the gain occurred, that occurrence;

(b) if the fraud involved an intention to cause a loss or to expose another to a risk of loss and the loss occurred, that occurrence."

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

[F1]29 . . . . . .

Textual Amendments

F1 Sch. 1 para. 29 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with s. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

C1 Sch. 1 para. 29 modified (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), **ss. 1**, 5(2)(3); S.I. 2012/1236, reg. 2

Terrorism Act 2000 (c. 11)

30 (1) In Schedule 9 (scheduled offences), in paragraph 10, at the end of sub-paragraph (d) insert " and " and omit paragraph (e).

(2) After paragraph 22A of that Schedule insert—

"Fraud Act 2006

23 Offences under section 1 of the Fraud Act 2006 (fraud) subject to note 2 below."

(3) In note 2 to Part 1 of Schedule 9, for "paragraph 10(a), (c) or (e)" substitute " paragraph 10(a) or (c) or 23 ".

31 (1) In Schedule 12 (compensation), in paragraph 12(1), omit " (within the meaning of section 15(4) of the Theft Act (Northern Ireland) 1969) ".

(2) After paragraph 12(1) of that Schedule insert—

"(1A) "Deception" means any deception (whether deliberate or reckless) by words or conduct as to fact or as to law, including a deception as to the present intentions of the person using the deception or any other person."

Criminal Justice and Court Services Act 2000 (c. 43)

32 (1) In Schedule 6 (trigger offences), in paragraph 1, omit the entry relating to section 15 of the Theft Act 1968.

(2) After paragraph 2 of Schedule 6 insert—

"3 Offences under the following provisions of the Fraud Act 2006 are trigger offences—

section 1 (fraud)

section 6 (possession etc. of articles for use in frauds)

section 7 (making or supplying articles for use in frauds)."

Armed Forces Act 2001 (c. 19)

33 In section 2(9) (definition of prohibited articles for purposes of powers to stop and search), for paragraph (d) substitute—

"(d) fraud (contrary to section 1 of the Fraud Act 2006)."

Licensing Act 2003 (c. 17)

34 In Schedule 4 (personal licence: relevant offences), after paragraph 20 insert—

"21 An offence under the Fraud Act 2006."

Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)

35 (1) In section 14(2) (offences giving rise to immigration officer's power of arrest), omit paragraph " (g)(ii) " and " (iii) ", in paragraph " (h) ", " 15, 16 " and paragraphs (i) and (j).

(2) After section 14(2)(h) insert—

"(ha) an offence under either of the following provisions of the Fraud Act 2006—

(i) section 1 (fraud);

(ii) section 11 (obtaining services dishonestly),".

***Changes to legislation:** There are currently no known outstanding effects for the Fraud Act 2006. (See end of Document for details)*

Serious Organised Crime and Police Act 2005 (c. 15)

36 In section 76 (financial reporting orders: making), in subsection (3), for paragraphs (a) and (b) substitute—

"(aa) an offence under either of the following provisions of the Fraud Act 2006—

(i) section 1 (fraud),

(ii) section 11 (obtaining services dishonestly),".

37 In section 78 (financial reporting orders: making in Northern Ireland), in subsection (3), for paragraphs (a) and (b) substitute—

"(aa) an offence under either of the following provisions of the Fraud Act 2006—

(i) section 1 (fraud),

(ii) section 11 (obtaining services dishonestly),".

Gambling Act 2005 (c. 19)

38 After paragraph 3 of Schedule 7 (relevant offences) insert—

"3A An offence under the Fraud Act 2006."

SCHEDULE 2

Section 14(2)

TRANSITIONAL PROVISIONS AND SAVINGS

Maximum term of imprisonment for offences under this Act

1 In relation to an offence committed before **[**[F2]2 May 2022**]**, the references to **[**[F3]the general limit in a magistrates' court**]** in sections 1(3)(a), 6(2)(a), 7(2)(a), 9(6)(a) and 11(3)(a) are to be read as references to 6 months.

Textual Amendments

F2 Words in Sch. 2 para. 1 substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), **Sch. Pt. 1**

F3 Words in Sch. 2 para. 1 substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**

Increase in penalty for fraudulent trading

2 Section 10 does not affect the penalty for any offence committed before that section comes into force.

Abolition of deception offences

3 (1) Paragraph 1 of Schedule 1 does not affect any liability, investigation, legal proceeding or penalty for or in respect of any offence partly committed before the commencement of that paragraph.

(2) An offence is partly committed before the commencement of paragraph 1 of Schedule 1 if—

(a) a relevant event occurs before its commencement, and

(b) another relevant event occurs on or after its commencement.

(3) "Relevant event", in relation to an offence, means any act, omission or other event (including any result of one or more acts or omissions) proof of which is required for conviction of the offence.

Scope of offences relating to stolen goods under the Theft Act 1968 (c. 60)

4 Nothing in paragraph 6 of Schedule 1 affects the operation of section 24 of the Theft Act 1968 in relation to goods obtained in the circumstances described in section 15(1) of that Act where the obtaining is the result of a deception made before the commencement of that paragraph.

Dishonestly retaining a wrongful credit under the Theft Act 1968

5 Nothing in paragraph 7 of Schedule 1 affects the operation of section 24A(7) and (8) of the Theft Act 1968 in relation to credits falling within section 24A(3) or (4) of that Act and made before the commencement of that paragraph.

Scope of offences relating to stolen goods under the Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))

6 Nothing in paragraph 11 of Schedule 1 affects the operation of section 23 of the Theft Act (Northern Ireland) 1969 in relation to goods obtained in the circumstances described in section 15(1) of that Act where the obtaining is the result of a deception made before the commencement of that paragraph.

Dishonestly retaining a wrongful credit under the Theft Act (Northern Ireland) 1969

7 Nothing in paragraph 12 of Schedule 1 affects the operation of section 23A(7) and (8) of the Theft Act (Northern Ireland) 1969 in relation to credits falling within section 23A(3) or (4) of that Act and made before the commencement of that paragraph.

Limitation periods under the Limitation Act 1980 (c. 58)

8 Nothing in paragraph 18 of Schedule 1 affects the operation of section 4 of the Limitation Act 1980 in relation to chattels obtained in the circumstances described in section 15(1) of the Theft Act 1968 where the obtaining is a result of a deception made before the commencement of that paragraph.

Limitation periods under the Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11))

9 Nothing in paragraph 22 of Schedule 1 affects the operation of Article 18 of the Limitation (Northern Ireland) Order 1989 in relation to chattels obtained in the circumstances described in section 15(1) of the Theft Act (Northern Ireland) 1969 where the obtaining is a result of a deception made before the commencement of that paragraph.

Changes to legislation: *There are currently no known outstanding effects for the Fraud Act 2006. (See end of Document for details)*

Scheduled offences under the Terrorism Act 2000 (c. 11)

10 Nothing in paragraph 30 of Schedule 1 affects the operation of Part 7 of the Terrorism Act 2000 in relation to an offence under section 15(1) of the Theft Act (Northern Ireland) 1969 where the obtaining is a result of a deception made before the commencement of that paragraph.

Powers of arrest under Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)

11 (1) Nothing in paragraph 35 of Schedule 1 affects the power of arrest conferred by section 14 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 in relation to an offence partly committed before the commencement of that paragraph.

(2) An offence is partly committed before the commencement of paragraph 35 of Schedule 1 if—

(a) a relevant event occurs before its commencement, and

(b) another relevant event occurs on or after its commencement.

(3) "Relevant event", in relation to an offence, means any act, omission or other event (including any result of one or more acts or omissions) proof of which is required for conviction of the offence.

SCHEDULE 3

Section 14(3)

REPEALS AND REVOCATIONS

Title and number	***Extent of repeal or revocation***
Theft Act 1968 (c. 60)	Sections 15, 15A, 15B and 16. In section 18(1), "15, 16 or". Section 20(2). In section 20(3), " "deception" has the same meaning as in section 15 of this Act, and". Section 24A(3) and (4). In section 25(5), ", and "cheat" means an offence under section 15 of this Act".
Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))	Sections 15, 15A, 15B and 16. Section 19(2). In section 19(3), " "deception" has the same meaning as in section 15, and". Section 23A(3) and (4). In section 24(5), ", and "cheat" means an offence under section 15".
Theft Act 1978 (c. 31)	Sections 1 and 2. Section 4(2)(a). Section 5(1).
Theft (Northern Ireland) Order 1978 (S.I. 1978/1407 (N.I. 23))	Articles 3 and 4. Article 6(2)(a). Article 7(1).

Nuclear Material (Offences) Act 1983 (c. 18)	In section 1(1)(d), "15 or" (in both places).
Criminal Justice Act 1993 (c. 36)	In section 1(2), the entries in paragraph (a) relating to sections 15, 15A, 16 and 20(2) of the Theft Act 1968. Section 1(2)(b).
Theft (Amendment) Act 1996 (c. 62)	Sections 1, 3(2) and 4.
Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))	In Article 38(2), the entries in sub-paragraph (a) relating to sections 15, 15A, 16 and 19(2) of the Theft Act (Northern Ireland) 1969. Article 38(2)(b).
Theft (Amendment) (Northern Ireland) Order 1997 (S.I. 1997/277 (N.I. 3))	Articles 3, 5(2) and 6.
Terrorism Act 2000 (c. 11)	In Schedule 9, paragraph 10(e). In Schedule 12, in paragraph 12(1), "(within the meaning of section 15(4) of the Theft Act (Northern Ireland) 1969)".
Criminal Justice and Court Services Act 2000 (c. 43)	In Schedule 6, in paragraph 1, the entry relating to section 15 of the Theft Act 1968.
Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)	In section 14(2), paragraph (g)(ii) and (iii), in paragraph (h), "15, 16" and paragraphs (i) and (j).

Changes to legislation:
There are currently no known outstanding effects for the Fraud Act 2006.