



# Fraud Act 2006

## 2006 CHAPTER 35

### *Fraud*

#### **4 Fraud by abuse of position**

- (1) A person is in breach of this section if he—
  - (a) occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person,
  - (b) dishonestly abuses that position, and
  - (c) intends, by means of the abuse of that position—
    - (i) to make a gain for himself or another, or
    - (ii) to cause loss to another or to expose another to a risk of loss.
- (2) A person may be regarded as having abused his position even though his conduct consisted of an omission rather than an act.

**Changes to legislation:**

There are currently no known outstanding effects for the Fraud Act 2006, Section 4.