



# Fraud Act 2006

## 2006 CHAPTER 35

### *Fraud*

#### **9 Participating in fraudulent business carried on by sole trader etc.**

- (1) A person is guilty of an offence if he is knowingly a party to the carrying on of a business to which this section applies.
- (2) This section applies to a business which is carried on—
  - (a) by a person who is outside the reach of [<sup>F1</sup>section 993 of the Companies Act 2006]<sup>F1</sup>(offence of fraudulent trading), and
  - (b) with intent to defraud creditors of any person or for any other fraudulent purpose.
- (3) The following are within the reach of [<sup>F2</sup>that section]<sup>F2</sup>—
  - (a) a company [<sup>F3</sup>(as defined in section 1(1) of the Companies Act 2006)];
  - (b) a person to whom that section applies (with or without adaptations or modifications) as if the person were a company;
  - (c) a person exempted from the application of that section.
- (4) <sup>F4</sup> .....
- (5) “Fraudulent purpose” has the same meaning as in [<sup>F5</sup>that section]<sup>F5</sup>.
- (6) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or to both);
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine (or to both).
- (7) Subsection (6)(a) applies in relation to Northern Ireland as if the reference to 12 months were a reference to 6 months.

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*Status: Point in time view as at 01/10/2009. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects  
for the Fraud Act 2006, Section 9. (See end of Document for details)*

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### Textual Amendments

- F1** Words in s. 9(2)(a) substituted (1.10.2007 with application as mentioned in Sch. 4 para. 111(6) of the amending S.I.) by virtue of [The Companies Act 2006 \(Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2194\)](#), arts. 1(3)(a), 10(1), **Sch. 4 para. 111(2)** (with art. 12)
- F2** Words in s. 9(3) substituted (1.10.2007 with application as mentioned in Sch. 4 para. 111(6) of the amending S.I.) by [The Companies Act 2006 \(Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2194\)](#), arts. 1(3)(a), 10(1), **Sch. 4 para. 111(3)(a)** (with art. 12)
- F3** Words in s. 9(3)(a) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 257** (with art. 10)
- F4** S. 9(4) repealed (1.10.2007 with application as mentioned in Sch. 4 para. 111(6) of the amending S.I.) by [The Companies Act 2006 \(Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2194\)](#), arts. 1(3)(a), 10(1)(3), Sch. 4 para. 111(4), **Sch. 5** (with art. 12)
- F5** Words in s. 9(5) substituted (1.10.2007 with application as mentioned in Sch. 4 para. 111(6) of the amending S.I.) by [The Companies Act 2006 \(Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2194\)](#), arts. 1(3)(a), 10(1), **Sch. 4 para. 111(5)** (with art. 12)

**Status:**

Point in time view as at 01/10/2009. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Fraud Act 2006, Section 9.