

## **EXPLANATORY NOTES**

### **FRAUD ACT 2006**

#### **INTRODUCTION**

#### **TERRITORIAL APPLICATION: WALES**

#### **BACKGROUND**

#### **SUMMARY**

#### **COMMENTARY ON SECTIONS**

Section 1: Fraud

Section 2: Fraud by false representation

Section 3: Fraud by failing to disclose information

Section 4: Fraud by abuse of position

Section 5: “Gain” and “loss”

Section 6: Possession of articles for use in frauds

Section 7: Making or supplying articles for use in frauds

Section 8: “Article”

Section 9: Participating in fraudulent business carried on by sole trader

Section 10: Participating in fraudulent business carried on by company : penalty

Section 11: Obtaining services dishonestly

Section 12: Liability of company officers for offences by company

Section 13: Evidence

Schedule 1: Minor and Consequential Amendments

**Abolition of various deception offences**

**Visiting Forces Act 1952**

**Theft Act 1968**

**Theft Act (Northern Ireland) 1969**

**Theft Act 1978**

**Theft (Northern Ireland) Order 1978**

**Limitation Act 1980**

**Finance Act 1982**

**Nuclear Material (Offences) Act 1983**

**Police and Criminal Evidence Act 1984**

**Limitation (Northern Ireland) Order 1989**

**Police and Criminal Evidence (Northern Ireland) Order 1989**

**Criminal Justice Act 1993**

**Criminal Justice (Northern Ireland) Order 1994**

**Criminal Justice (Northern Ireland) Order 1996**

**Powers of Criminal Courts (Sentencing) Act 2000**

**Terrorism Act 2000**

**Criminal Justice and Court Services Act 2000**

**Armed Forces Act 2001**

**Licensing Act 2003**

**Asylum and Immigration (Treatment of Claimants, ) Act 2004**

**Serious Organised Crime and Police Act 2005**

**Gambling Act 2005**

Schedule 2: Transitional Provisions and Savings

*These notes refer to the Fraud Act 2006 (c.35)*

**Maximum term of imprisonment for offences under this Act**

**Increase in penalty for fraudulent trading**

**Abolition of deception offences**

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

**Dishonestly retaining a wrongful credit under the Theft Act 1968**

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

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

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

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

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

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

**COMMENCEMENT**

**HANSARD REFERENCES**