



Why the Fraud Act?

Updated legislation provides more relevant offences, such as the inclusion of IT and individuals deceiving machines

A requirement to shift from assessing whether the victim was deceived, now we target fraudulent behaviour not the consequences of that behaviour

Fraud offences contained in the Act

- **Fraud by false representation (s.2)**
- **Fraud by failing to disclose information (s.3)**
- **Fraud by abuse of position (s.4)**
- **Possessing articles for use in frauds (s.6)**
- **Making or supplying articles for use in frauds (s.7)**
- **Participating in fraudulent business carried on by a sole trader (s.9)**
- **Obtaining services dishonestly (s.11)**
- **Liability of company officers for offences by company (s.12)**

Points to Prove

- **Identity** of the offender
- **What did they do and how? (Actus Reus)**
- **A False Representation**
 - it can be made in writing, it can be made orally, or it can be a misrepresentation e.g. claiming to be someone you are not.
- **Express or implied**
 - it can also be an act of omission
- **Untrue or Misleading**
 - they must know what they are representing is untrue
- **What was in the offenders mind? (Mens Rea)**
- **Dishonest**
 - in brief 'is the act dishonest by the standards of ordinary decent people' R v Barton 2020
- **Intending to cause a Gain or Loss to**
 - there must be an intent to cause a gain OR loss to money or other property

Penalties

(s.2; s.3; s.4; s.7 and s.9)

The maximum penalty on summary conviction – 12 months imprisonment, a fine (or both)

The maximum penalty on indictment – 10 years imprisonment, a fine (or both)

(s.6 and s.11)

The maximum penalty on summary conviction – 12 months imprisonment, a fine (or both)

The maximum penalty on indictment – 5 years imprisonment, a fine (or both)