



# Fraud Act 2006

## 2006 CHAPTER 35

### *Supplementary*

VALID FROM 15/01/2007

#### **12 Liability of company officers for offences by company**

- (1) Subsection (2) applies if an offence under this Act is committed by a body corporate.
- (2) If the offence is proved to have been committed with the consent or connivance of—
  - (a) a director, manager, secretary or other similar officer of the body corporate, or
  - (b) a person who was purporting to act in any such capacity,he (as well as the body corporate) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) If the affairs of a body corporate are managed by its members, subsection (2) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

VALID FROM 15/01/2007

#### **13 Evidence**

- (1) A person is not to be excused from—
  - (a) answering any question put to him in proceedings relating to property, or
  - (b) complying with any order made in proceedings relating to property,on the ground that doing so may incriminate him or his spouse or civil partner of an offence under this Act or a related offence.

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*Status: Point in time view as at 08/11/2006. This version of this cross heading contains provisions that are not valid for this point in time.*  
*Changes to legislation: There are currently no known outstanding effects for the Fraud Act 2006, Cross Heading: Supplementary. (See end of Document for details)*

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- (2) But, in proceedings for an offence under this Act or a related offence, a statement or admission made by the person in—
- (a) answering such a question, or
  - (b) complying with such an order,
- is not admissible in evidence against him or (unless they married or became civil partners after the making of the statement or admission) his spouse or civil partner.
- (3) “Proceedings relating to property” means any proceedings for—
- (a) the recovery or administration of any property,
  - (b) the execution of a trust, or
  - (c) an account of any property or dealings with property,
- and “property” means money or other property whether real or personal (including things in action and other intangible property).
- (4) “Related offence” means—
- (a) conspiracy to defraud;
  - (b) any other offence involving any form of fraudulent conduct or purpose.

VALID FROM 15/01/2007

#### **14 Minor and consequential amendments etc.**

- (1) Schedule 1 contains minor and consequential amendments.
- (2) Schedule 2 contains transitional provisions and savings.
- (3) Schedule 3 contains repeals and revocations.

#### **15 Commencement and extent**

- (1) This Act (except this section and section 16) comes into force on such day as the Secretary of State may appoint by an order made by statutory instrument; and different days may be appointed for different purposes.
- (2) Subject to subsection (3), sections 1 to 9 and 11 to 13 extend to England and Wales and Northern Ireland only.
- (3) Section 8, so far as it relates to the Armed Forces Act 2001 (c. 19), extends to any place to which that Act extends.
- (4) Any amendment in section 10 or Schedule 1, and any related provision in section 14 or Schedule 2 or 3, extends to any place to which the provision which is the subject of the amendment extends.

#### **Subordinate Legislation Made**

**P1** [S. 15](#) power fully exercised: 15.1.2007 appointed for specified provisions by {[S.I. 2006/3200](#)}, art. 2

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## 16 Short title

This Act may be cited as the Fraud Act 2006.

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