

*Status: Point in time view as at 07/02/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Fraud Act 2006, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 14(2)

#### TRANSITIONAL PROVISIONS AND SAVINGS

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

- 1 In relation to an offence committed before [<sup>F1</sup>2 May 2022], the references to [<sup>F2</sup>the general limit in a magistrates' court] in sections 1(3)(a), 6(2)(a), 7(2)(a), 9(6)(a) and 11(3)(a) are to be read as references to 6 months.

#### **Textual Amendments**

- F1** Words in Sch. 2 para. 1 substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), **Sch. Pt. 1**
- F2** Words in Sch. 2 para. 1 substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**

##### *Increase in penalty for fraudulent trading*

- 2 Section 10 does not affect the penalty for any offence committed before that section comes into force.

##### *Abolition of deception offences*

- 3 (1) Paragraph 1 of Schedule 1 does not affect any liability, investigation, legal proceeding or penalty for or in respect of any offence partly committed before the commencement of that paragraph.
- (2) An offence is partly committed before the commencement of paragraph 1 of Schedule 1 if—
- (a) a relevant event occurs before its commencement, and
  - (b) another relevant event occurs on or after its commencement.
- (3) “Relevant event”, in relation to an offence, means any act, omission or other event (including any result of one or more acts or omissions) proof of which is required for conviction of the offence.

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

- 4 Nothing in paragraph 6 of Schedule 1 affects the operation of section 24 of the Theft Act 1968 in relation to goods obtained in the circumstances described in section 15(1) of that Act where the obtaining is the result of a deception made before the commencement of that paragraph.

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

- 5 Nothing in paragraph 7 of Schedule 1 affects the operation of section 24A(7) and (8) of the Theft Act 1968 in relation to credits falling within section 24A(3) or (4) of that Act and made before the commencement of that paragraph.

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

- 6 Nothing in paragraph 11 of Schedule 1 affects the operation of section 23 of the Theft Act (Northern Ireland) 1969 in relation to goods obtained in the circumstances described in section 15(1) of that Act where the obtaining is the result of a deception made before the commencement of that paragraph.

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

- 7 Nothing in paragraph 12 of Schedule 1 affects the operation of section 23A(7) and (8) of the Theft Act (Northern Ireland) 1969 in relation to credits falling within section 23A(3) or (4) of that Act and made before the commencement of that paragraph.

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

- 8 Nothing in paragraph 18 of Schedule 1 affects the operation of section 4 of the Limitation Act 1980 in relation to chattels obtained in the circumstances described in section 15(1) of the Theft Act 1968 where the obtaining is a result of a deception made before the commencement of that paragraph.

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

- 9 Nothing in paragraph 22 of Schedule 1 affects the operation of Article 18 of the Limitation (Northern Ireland) Order 1989 in relation to chattels obtained in the circumstances described in section 15(1) of the Theft Act (Northern Ireland) 1969 where the obtaining is a result of a deception made before the commencement of that paragraph.

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

- 10 Nothing in paragraph 30 of Schedule 1 affects the operation of Part 7 of the Terrorism Act 2000 in relation to an offence under section 15(1) of the Theft Act (Northern Ireland) 1969 where the obtaining is a result of a deception made before the commencement of that paragraph.

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

- 11 (1) Nothing in paragraph 35 of Schedule 1 affects the power of arrest conferred by section 14 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 in relation to an offence partly committed before the commencement of that paragraph.
- (2) An offence is partly committed before the commencement of paragraph 35 of Schedule 1 if—

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- (a) a relevant event occurs before its commencement, and
  - (b) another relevant event occurs on or after its commencement.
- (3) “Relevant event”, in relation to an offence, means any act, omission or other event (including any result of one or more acts or omissions) proof of which is required for conviction of the offence.

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