**Key Fraud Offences**

**Fraud Act 2006 Section 2 False Representation**

In relation to the offence of fraud by false representation, a person commits fraud if he dishonestly makes a false or misleading representation as to fact or law, intending to make a gain for himself or another, or to cause loss to another, or to expose another to a risk of loss. The representation may be express or implied and may include a representation made to a machine, covering cash point transactions and trading over the internet.

**Fraud Act 2006 Section 3 Failure to Disclose**

The offence of Fraud by failure to disclose information involves a legal duty to disclose that information.This duty is not specifically defined but may derive from statute, an utmost good faith transaction, custom, or the terms of a contract.

**Fraud Act 2006 Section 4 Abuse of Position**

The offence of Fraud by abuse of position requires the person to be in a position in which he is expected to safeguard, or not act against, the financial interests of another person; and he must abuse that position. Such positions include: employee and employer, trustee and beneficiary, director and company, professional and client. Internal corruption by an employee will usually fall within this category.

**Fraud Act 2006 Section 9 participating in fraudulent trading**.

Applies to business not carried out by corporate bodies or companies and therefore covers sole traders, partnerships, (and non-corporate bodies such as trusts) who trade with others knowing that they cannot pay their bills – e.g. ‘Phoenix’ traders, here today, take your money, gone tomorrow, trading under a new name the next day.

**Fraud Act Section 11 obtaining services dishonestly**.

Obtains services for themselves by a dishonest act, knowing that the services are made available on the basis of payment and avoids or intends to avoid payment in full or in part.

**Enterprise Act 2002**

The above legislation covers ‘cartel’ offences.

Involves two or more people dishonestly agreeing to engage in:

Price Fixing – agreeing prices with competitors

Market sharing – contractors agreeing to divide contracts between themselves

Limitation of production or supply - agreeing to limit availability of contractors to drive up price

Bid rigging – paying money to rivals to stay out of tenders

These are all potential frauds related to any form of tendering for contracts

**Bribery Act 2010 - Section 1 Offences of bribing another person**

This offence relates to a person offers, promises or gives a financial or other advantage to another person, and intends the advantage to either:

1. induce a person to perform improperly a relevant function or activity, or
2. to reward a person for the improper performance of such a function or activity.

**Bribery Act 2010 - Section 2 Offences relating to being bribed**

This offence relates to a person who requests, or agrees to receive or accepts a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly.

**Bribery Act 2010 - Section 6 Bribery of Foreign Public Officials**

A person who bribes a foreign public official is guilty of an offence if they directly or through a third party, offers, promises or gives any financial or other advantage with the intention of influencing a foreign public official in order to obtain or retain business, or an advantage in the conduct of business.

**Bribery Act 2010 - Section 7 Failure of commercial organisations to prevent bribery**

A relevant commercial organisation is guilty of an offence under this section if a person associated with the organisation bribes another person intending to obtain or retain business for the organisation, or to obtain or retain an advantage in the conduct of business for the organisation. But it is a defence for the organisation to prove that it had in place adequate procedures designed to prevent persons associated with it from undertaking such conduct.

**Theft Act 1968 Section 1 Basic Theft**

An offence is committed if a person dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it.

**Theft Act 1968 Section 17 False Accounting**

An offence is committed if a person dishonestly, with a view to making a gain for themselves or another, or intent to cause a loss to another: destroys, defaces, conceals, falsifies, produces or makes use of any account which they know or suspect is false.

**Identity Cards Act 2006 Section 25(1)**

It is an offence for a person to have in their possession or control: an identity document that is false; or an identity document improperly obtained, or an identity document relating to someone else, with the requisite intention. Requisite intention means establishing registrable facts or allowing or inducing another to establish such facts.

**Identity Cards Act 2006 Section 25(3)**

It is an offence for a person to make or have in their possession or control apparatus to make a false identity document, or articles or materials to make a false identity document, with the requisite intention. Requisite intention means that they or another will make a false identity document and that document will be used to establish, ascertain or verify registrable.

**Identity Cards Act 2006 Section 25(5)**

It is an offence for a person to have in their possession or control without reasonable excuse an identity document that is false; or an identity document improperly obtained, or an identity document relating to someone else; or any apparatus, articles or material designed for making false identity documents.

**Computer Misuse Act 1990 Section 1**

It is an offence for a person to cause a computer to perform any function with the intention of securing access to programs or data where access is unauthorised and they know at the time that this is the case. This can include access to use information and includes copying, moving or printing information.

**Computer Misuse Act 1990 Section 2**

Section 2 relates to a person who has committed an offence under Section 1 of the Act as set out above, with the intention of committing a further offence or to facilitate such a further offence.

**Criminal Law Act 1977 – Conspiracy**

A person conspires if they agree with another person a course of conduct which if pursued will amount to the commissioning of an offence, or which would have led to such an offence but for circumstances making it impossible. A person cannot conspire with their spouse, a child under 10, or the proposed victim.