

The Creation of an English Criminal Code: 6 Acts

Second Act - Property & Finance Crimes Act

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This second article - like the first - argues that English criminal law is badly out of date and very fragmented. Thus, c. 305 pieces of criminal legislation should be consolidated into 6 Acts. Then, into one Criminal Code (with 3 parts). Further, all obsolete criminal legislation (at least, 60 Acts) should be repealed. As for common law crimes, they should be placed in legislation (an easy task) with obsolete common law crimes abolished. The result would be to save the British taxpayer, the legal system etc. at least 400-500 million pounds a year.

1. Introduction

A previous article has considered the creation of an English criminal code by means of the consolidation of all sex crimes into one Sex Crimes Act, which Act will, later, be condensed into a Criminal Code in 3 parts.¹ This article now considers the consolidation of all property and finance crimes into one Property & Finance Crimes Act which will, also, later be consolidated into a Criminal Code as well. This article considers property crimes first.

2. Property & Finance Crimes Act - Content - Property

The drafting of a Crime Act relating to the above would involve the consolidation of the following pieces of criminal legislation relating to property into one Act. They should be consolidated around the Theft Act 1968.

<u>Act</u>		<u>No of Sections (total 94)</u>
• Railway Regulation Act 1840	(s 16, wilful obstruction)	1
• Malicious Damage Act 1861	(ss 35-6, 58, railways)	3
• Offences against the Person Act 1861	(ss 32-4, railways)	3
• Regulation of Railways Act 1868	(s 23, trespassing)	1
• Public Stores Act 1875	(ss 1-10, military stores)	10
• Police Property Act 1897	(ss 1-3, property in police possession)	3
• Theft Act 1968		30
• Unsolicited Goods and Services Act 1971	(ss 2-6, demand for payment)	6
• Criminal Damage Act 1971	(ss 1-8,10, criminal damage)	9
• Theft Act 1978	(ss 3-4)	2
• Criminal Attempts Act 1981	(s 9, theft)	1
• Public Order Act 1986	(s 38, contamination of goods)	1
• Computer Misuse Act 1990	(ss 1-17)	19
• Aggravated Vehicle Taking Act 1992	(amends)	
• Theft (Amendment) Act 1996	(amends)	
• Crime and Disorder Act 1998	(s 31, racially or religiously aggravated c/d)	1
• Police and Justice Act 2006	(computer misuse, transitional)	
• Specialist Printing Equipment and Materials (Offences) Act 2015	(ss 1-4, equipment for criminal purposes)	4

¹ See GS McBain, *The Creation of an English Criminal Code: 6 Acts. First Act - Sex Crimes Act*, International Law Research (2025), vol 14, no 1, pp 1-69.

- Equipment Theft (Prevention) Act 2023 (ss 1-4) 4

For the text of the above, see *Appendix I*. In essence, the above deal with: theft, criminal damage, computer (and equipment) misuse.

- The sections in the above Acts of 1840, 1861 (twice) and 1868 relate to *railways* only. They should be inserted into railway legislation - as well as be modernized;
- The Public Stores Act 1875 is, quite possibly, not required (certainly, some sections are redundant).² It should be modernized in any case (for example, powers to stop and search under s 5 should now be governed by the PACE Act 1984);
- The 3 sections of the Police Property Act 1897 (this legislation is referred to in this Act and the Theft Act) should be placed in a *Criminal Procedure Act*, not here;
- In the case of the Theft Act this is a misnomer since the same deals with crimes other than theft (blackmail for example). All the more reason, then, to put in more modern legislation. The power to search (see s 26) should now be governed by the PACE Act 1984;
- The crimes in the Unsolicited Goods and Services Act 1971 are best left there, since it is better if they are contained in a Commercial Act (Code) in due course;
- The Theft Act 1978 (2 sections) goes with that of 1968. Thus, the two should be combined. So too, the Criminal Attempts Act 1981, s 9;
- Some of the material in the Computer Misuse Act 1990³ can be put in an Appendix, since it is *administrative* in nature. Thus, as with sex crimes, only the *crime* should be placed in the body of the consolidation Act.
- The Public Order Act 1986, s 38 deals with the contamination of goods, such being - effectively - criminal damage to the same.
- The Specialist Printing Equipment and Materials (Offences) Act 2015 deals with using such equipment for criminal purposes.

Further, the above crimes should be simplified and harmonized by referring to the *pre-requisites* for the same in a more user-friendly fashion. Thus, for example, at present, the Theft Act 1968 defines blackmail as:

s 21 (1) *A person is guilty of blackmail if, with a view to gain for himself or another or with intent to cause loss to another, he makes any unwarranted demand with menaces.*

It would be better (that is, more user friendly and intelligible) to state the same as follows:

- s 21 (1). **Blackmail**. It is a crime if a person:
- (a) makes an unwarranted demand;
 - (b) with menaces [threats];⁴
 - (c) intending
 - (d) to make a gain for himself (or another) ⁵ or
 - (e) to cause loss to another.

Another good example is robbery. At present, the Theft Act 1968, s 8 defines burglary as:

s 8 (1) A person is guilty of robbery if he steals, and immediately before or at the time of doing so, and in order to do so, he uses force on any person or puts or seeks to put any person in fear of being then and there subjected to force.

It would be better (that is, more user friendly and intelligible) to state the same as follows:

- S 8 (1). **Robbery**. It is a crime if a person (A):
- (a) steals pursuant to [s (theft)] and
 - (b) immediately before (or at) that time
 - (c) in order to steal
 - (d) A uses force on any person (B) or

² See ss 7,8,12. Also, s 9 is probably unnecessary. In Victorian times this legislation would mainly have been designed to deal with the theft of military equipment (army and navy). Archbold (2024) does not cite this Act.

³ For example, a cross reference can be made to an *Appendix* in respect of ss 4 & 6 of the 1990 Act, as well as s 5 (*significant links*), s 8 (*relevance of external law*), s 13 (*proceedings in Scotland*), s 16 (*NI application*). The same can occur in respect of the 2023 Act.

⁴ This is an older word for 'threats'. Today, 'threats' is more readily understandable in common parlance.

⁵ The Sexual Offences Act s 2003 has a defined term '*financial gain*'. This should be considered.

(e) puts (or seeks to put) B in fear of force being used on him.

3. Property and Finance Crimes Act - Content - Finance

Finance Crimes legislation comprises the following:

<u>Act</u>		<u>No of Sections (total 105)</u>
• Evidence Act 1851	(s 15, <i>falsely certifying document as true copy</i>)	1
• Forgery Act 1861	(s 34, 36-7, <i>births etc registers</i>)	3
• Documentary Evidence Act 1868	(s 4, <i>forgery</i>)	3
• Debtors Act 1869	(s 13, <i>fraudulently obtaining credit</i>)	1
• Documentary Evidence Act 1882	(s 3, <i>forgery</i>)	
• Evidence (Colonial Statutes) Act 1907	(s 1, <i>forgery</i>)	1
• Criminal Justice Act 1925	(ss 36-7, <i>forging passport, pension docs</i>)	1
• Honours (Prevention of Abuses) Act 1925	(s 1, <i>abuse re award of honours</i>)	1
• Forgery and Counterfeiting Act 1981	(ss 1-10,14-22,24-5,27-8)	21
• Criminal Justice Act 1993	(ss 52-64, <i>insider dealing</i>)	14
• Criminal Justice Act 1987	(s 12 (<i>conspiracy to defraud</i>))	1
• Fraud Act 2006	(ss 1-9, 11-3)	12
• Serious Crime Act 2007	(s 68-71, <i>fraud</i>)	4
• Bribery Act 2010	(ss 1-16)	16
• Criminal Finances Act 2017	(ss 44-52)	8
• Prevention of Social Housing Fraud 2013	(ss 1-11)	11
• <i>Economic Crimes and Corporate Transparency Act '23</i> (ss 199-206, <i>fraud</i>)		7

As may be seen, this legislation effectively covers: (a) fraud; (b) forgery; (c) bribery; (d) insider dealing; and (e) tax evasion. Thus, the Acts of 1861, 1868, 1882, 1907, 1925 (Criminal Justice) and 1981 deal with forgery. And, those of 1851, 1869, 2006 and 2007 deal with fraud. See *Appendix 2* for text. They may be consolidated without problem.

- The Honour (Prevention of Abuses) Act 1925 deals with the problem of, effectively, giving money (a bribe) in order to obtain an honour. Thus, it is linked to the Bribery Act 2010. Consolidation of this material would, also, not be problematic;
- The Economic Crimes *etc* Act 2023 is lengthy. It deals with companies (and partnerships). Thus, it is best left to consolidate with company and partnership legislation - including sections dealing with fraud;
- The power of search and forfeiture in the Forgery and Counterfeiting Act 1981, s 7 should now be governed by the PACE Act 1984.

4. Common Law Crime - Cheating the Public Revenue

This common law crime has been considered in detail by the author.⁶ It should be modernized and placed in legislation. In his article, the author argued that the common law offence should be abolished. It should be replaced with a statutory offence of Defrauding the Public [Inland] Revenue, this being based on an intent to defraud. In time, this offence should be merged with statutory crimes relating to tax (as well as customs and excise) evasion. In so doing, which crime will return to what it was in the time of Bracton (c. 1240) and before that. That is, it was '*theft*' where a person appropriated (i.e. unlawfully took) revenue otherwise due to the Exchequer [Revenue].

5. Form of Property and Finance Crimes Act

While this material is consolidated into a Property Finance Crimes Act - as with a Sex Crimes Act - the form of the same could be made much more user-friendly than past legislation, *viz.*

- **Acronyms.** At present, criminal legislation is full of verbiage due to endless repetition. Acronyms are better, to take out prolixity. Thus, reference should be to:⁷
 - 'DPP' for 'Director of Public Prosecutions'
 - 'CCRC' for 'Criminal Cases Review Commission'
 - 'A-G' for 'Attorney General'

⁶ GS McBain, *Modernising the Common law offence of Cheating the Public Revenue* (2015) Journal of Politics and Law, vol 8, no 1.

⁷ Doubtless, there are more that can be thought of.

- 'JP' for '*Justice of the Peace*' or to a '*Magistrates Court*'
 - 'UK' for '*United Kingdom*'
 - 'SS' for '*Secretary of State*'
 - 'HM' for '*His [Her] Majesty*'
 - 'SI' for '*Statutory Instrument*'⁸
 - 'E&W' for '*England and Wales*'
 - 'NI' for '*Northern Ireland*'
 - 'MOD' for '*Ministry of Defence*'
 - 'CPO' for '*Chief Officer of Police*'⁹
 - 'SPO' for '*Senior Officer of Police*'
 - 'PO' for '*Police Officer*'¹⁰
 - 'BTP' for '*British Transport Police*'
 - 'NCA' for '*National Crime Agency*'
 - 'CNC' for '*Civil Nuclear Constabulary*'
 - 'CC' for '*Chief Constable*'
 - 'EU' for '*European Union*'
 - 'OFCOM' for '*Office of Communications*'
 - 'CGHQ' for '*Central Government Headquarters*'
 - 'SFO' for '*Serious Fraud Office*'
- **Reference to a Section or Sub-Section.** In older legislation this is very convoluted with reference being in words – e.g. '*see section [or sub-section] three above*'. More recent criminal legislation drafting, more helpfully, refers to a number instead, e.g. '*section 3 [or s 3(2) where there is a sub-section]*.' However, to save endless repetition, reference should be '*s 3 [or s 3(2)]*'. Also, '*paragraph*' should be '*para*' and '*sub-paragraph*', '*sub-para*';
 - **Form of Charge.** This should be in standard form for all crimes after consolidation of the same i.e. 'The accused is charged with the following crime(s): (e.g.) 1. Blackmail pursuant to the Criminal Code, s 22. Thus, all crimes should be given a distinct name and title;
 - **Index.** The Crime Act should have all the *crimes* set out in the text. However, any *administrative material* should be set out in Appendices, since it, often, does not apply. Thus, the Parts of a Property and Finance Crimes Act should be as follows:

Part 1 - Theft and related Crimes:

1. Theft¹¹
2. Robbery¹²
3. Burglary¹³
 - []. *Aggravated Burglary*¹⁴
4. Removing articles from places open to the Public¹⁵
5. Taking a Vehicle (or other Conveyance) without Authority¹⁶
 - []. *Aggravated Vehicle Taking*¹⁷
6. Abstracting Electricity¹⁸

⁸ The older expression '*order in council*' should be dropped, SI is shorter and more intelligible.

⁹ This is used extensively in firearms legislation. Further, reference is, often, made to a CPO when a SPO would, probably, be of sufficiently high rank to deal with the matter.

¹⁰ The older word for a police officer was a '*constable*' or a '*police constable*'. PO takes out large amounts of repetition and is understandable.

¹¹ i.e. Theft Act ss 1-6. After theft should come nos 8,13, 14 & 17, since they relate to theft.

¹² Ibid, s 8.

¹³ Ibid, s 9.

¹⁴ Ibid, s 10. This should be part of 3.

¹⁵ Ibid, s 11. This would be better stated as '*Removing articles from 'Public Places*', defining the latter.

¹⁶ Ibid, s 12. The Theft Act refers to a '*motor vehicle*'. Today, the word '*motor*' is not required.

¹⁷ Ibid, s 12A.

¹⁸ Ibid, s 1. This should be extended to gas and water.

7. Mail Theft and Robbery¹⁹
 8. False Accounting²⁰
 9. Crimes of Company Officers and Directors²¹
 10. Suppression of Documents²²
 11. Blackmail²³
 12. Handling Stolen Goods²⁴
 13. Advertising Rewards for Stolen Goods²⁵
 14. Dishonestly retaining a Wrongful Credit²⁶
 15. Going Equipped for Stealing²⁷
 16. Making Off without Payment²⁸
 17. Equipment Theft²⁹
 18. *Public Stores Crimes*.³⁰
- Part 1 - Criminal Damage (inc. aggravated criminal damage)³¹
- Part 2 - Computer Misuse³²
- Part 3 - Fraud³³
- Part 4 - Forgery³⁴
- Part 5 - Bribery³⁵
- Part 6 - Insider Dealing³⁶
- Part 7 - Corporate Crime: Failure to Prevent Facilitation of Tax Evasion³⁷
- Part 8 - General
1. Interpretation
 2. Minor and Consequential Amendments
 3. Repeals and Revocations
 4. Abolition of various Common Law Crimes³⁸
 5. Commencement, Extent, Saving and Short Title

As with Sex Crimes, the following also apply to this consolidation Act

¹⁹ Ibid, s 14.

²⁰ Ibid, s 17. This should be part of 5.

²¹ Ibid, ss 187-9.

²² Ibid, s 20.

²³ Ibid, s 21.

²⁴ Ibid, s 22.

²⁵ Ibid, s 23. See S 24 for the scope of offences relating to stolen goods. See also ss 26 (search for stolen goods) and s 27 (evidence and procedure on charge of theft or handling stolen goods).

²⁶ Ibid, s 24A.

²⁷ Ibid, s 25.

²⁸ Theft Act 1978, s 3.

²⁹ Equipment Theft (Prevention) Act 2023, Specialist Printing Equipment and Materials (Offences) Act 2015.

³⁰ See Public Stores Act 1875, ss 3, 4, 6. I suspect this Act is no longer needed.

³¹ See Criminal Damage Act 1971. Also, Crime and Disorder Act 1998, s 31.

³² Computer Misuse Act 1990.

³³ Fraud Act 2006, Evidence Act 1851, s 15, Debtors Act 1869 s 13, Serious Crime Act 2007, ss 69-71.

³⁴ Forgery Act 1861 s 34, 36-7, Documentary Evidence Act 1868, s 4 and 1882 Act, Forgery and Counterfeiting Act 1981.

³⁵ Bribery Act 2010, Honours (Prevention of Abuses) Act 1925.

³⁶ Criminal Justice Act 1993, ss 52-64.

³⁷ Criminal Finances Act 2017 (alternatively, this could be placed in tax legislation).

³⁸ See 4, common law crime of cheating the public revenue.

- **Powers of Arrest/Search/Asset Seizure/Forfeiture.** All this should be in a *Criminal Procedure Act*. At present, it is laboriously repeated (*ad nauseam*) in distinct criminal legislation with slips and variants in the wording (see for example those in the *Appendies*). It should be common to all crimes (and can be by making cross-reference to the same). *I have marked this with a * in the Appendices;*
- **Power of Secretary of State to make Regulations.** This is (endlessly) repeated. There needs to be only 1 section in a *Property and Finance Crimes Act*. *So too, as to what crimes require the consent of the AG or DPP for prosecution. I have marked this with ** in the Appendix.*
- **Companies.** These can be involved in crimes. As with powers of arrest *etc* above, often, the same wording is repeated for distinct crimes. Such repetition is unnecessary. Only 1 section is needed in a *Property and Finance Crimes Act*. *I have marked this with *** in the Appendix.*
- **'Public Place'.** There are older definitions of 'public place' in the criminal legislation. They are not useful (for example, the *Street Offences Act 1959*, s 1) refers to a 'street or public place'. However, the latter - as a matter of course - should include the former and it should be the same throughout criminal legislation.

Finally, in order to show just how much text can be taken out, in the attached *Appendices* I have done the following:

- **Table.** All sentences (*I have underlined the wording in a text*) should be in a *Table* (and the latter in an *Appendix*).³⁹ Further, the moment they are placed in a *Table*, it becomes clear how out of kilter they are;
- **Criminal Procedure Act (CPA).** There is a large amount of text which should be in a *CPA* because that is what it is. It not specifying a crime as such. Rather, it is dealing with things like bail, arrest, stop and search, seizure, forfeiture *etc*, all of which are common to many crimes. At present, having to repeat this time after time (with variations and anomalies) with regard to criminal legislation is ludicrous and 'clogs' the text;
- **Administrative Material.** There is, also, a large amount of administrative material at present in the text which should be in an *Appendix*, since it may not apply. For example, the large amount of orders which the police might secure. This avoids clogging up the text and enables easy comparison between police orders (again, there are variations, anomalies and unnecessary repetitions).

Appendix 1

Railway Regulation Act 1840

S 16. **For punishment of persons obstructing the officers of any railway company, or trespassing upon any railway.** If any person shall wilfully [i.e. intentionally] obstruct or impede any officer or agent of any railway company in the execution of his duty upon any railway, or upon or in any of the stations or other works or premises connected therewith, or if any person shall wilfully trespass upon any railway, or any of the stations or other works or premises connected therewith, and shall refuse to quit the same upon request to him made by any officer or agent of the said company, every such person so offending, and all others aiding or assisting therein, shall and may be seized and detained by any such officer or agent, or any person whom he may call to his assistance, until such offender or offenders can be conveniently taken before some [JP] for the county or place wherein such offence shall be committed, and when convicted, before such [JP] as aforesaid, (who is hereby authorized and required, upon complaint to him to take cognizance thereof, and to act summarily in the premises,) shall, in the discretion of such [JP], upon conviction by a magistrates' court, at the discretion of the court, forfeit to [HM] any sum not exceeding level 1 [] £200 level 3 [], and in default of payment thereof shall or may be imprisoned.

Malicious Damage Act 1861⁴⁰

S 35. **Placing wood, &c. on railway, with intent to obstruct or overthrow any engine, &c.** Whosoever shall *unlawfully and maliciously*⁴¹ cut, place, cast, or throw upon or across any railway any wood, stone, or other matter or thing, or shall *unlawfully and maliciously* take up, remove, or displace any rail, sleeper, or other matter or thing belonging to any railway, or shall *unlawfully and maliciously* turn, move, or divert any points or other machinery belonging to any railway, or shall *unlawfully and maliciously* make or show, hide or remove, any signal or light upon or near to any railway, or shall *unlawfully and maliciously* do or cause to be done any other matter or thing, with intent, in any of the cases aforesaid, to obstruct, upset, overthrow, injure, or destroy any engine, tender, carriage, or truck using such railway, shall be guilty of felony [obs], and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life [spent] or to be imprisoned.⁴²

³⁹ Lest any object, it should be noted that providing a *Table* has been employed in some criminal legislation for a long time (*Licensing Act 1902*, *Sex Crimes Act 1956*). It is also common (and user friendly) in civil legislation.

⁴⁰ Today, the word 'malicious damage' is phrased as 'criminal damage'. This Act only deals with railways. See also Archbold (2024) 23-56. The cases are dated. All this material on railways should be placed in 1 section.

⁴¹ Today, these words are not used. Instead, reference is made to 'intentionally'. See Archbold (2024) 17B-46.

⁴² Sentencing to penal servitude is no longer possible. Further, the duration of the prison sentence should be specified.

S 36. **Obstructing engines or carriages on railways.** Whosoever, *by any unlawful act, or by any wilful omission or neglect,*⁴³ shall obstruct or cause to be obstructed any engine or carriage using any railway, or shall aid or assist therein, shall be guilty of a misdemeanor, [obs] and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding [2] years.

S 58. **Malice against owner of property unnecessary.** *Every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment or upon [SC], shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise. [Obs, so too s 72].*

Crimes against the Person Act 1861⁴⁴

S 32. **Placing wood, &c., on a railway, with intent to endanger passengers.** Whosoever shall unlawfully and maliciously put or throw upon or across any railway any wood, stone, or other matter or thing, or shall unlawfully and maliciously take up, remove, or displace any rail, sleeper, or other matter or thing belonging to any railway, or shall unlawfully and maliciously turn, move, or divert any points or other machinery belonging to any railway, or shall unlawfully and maliciously make or show, hide or remove, any signal or light upon or near to any railway, or shall unlawfully and maliciously do or cause to be done any other matter or thing, with intent, in any of the cases aforesaid, *to endanger the safety of any person travelling or being upon such railway, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or to be imprisoned.*⁴⁵

S 33. **Casting stone, &c. upon a railway carriage, with intent to endanger the safety of any person therein.** Whosoever shall unlawfully and maliciously throw, or cause to fall or strike, at, against, into, or upon any engine, tender, carriage, or truck used upon any railway, any wood, stone, or other matter or thing, with intent to injure or endanger the safety of *any person being in or upon such engine, tender, carriage, or truck, or in or upon any other engine, tender, carriage, or truck of any train of which such first-mentioned engine, tender, carriage, or truck shall form part, shall be guilty of felony, and being convicted thereof shall be liable to be kept in penal servitude for life*⁴⁶

S 34. **Doing or omitting anything to endanger passengers by railway.** Whosoever, by any unlawful act, or by any wilful omission or neglect, shall endanger or cause to be endangered the safety of any person conveyed or being in or upon a railway, or shall aid or assist therein, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding [2] years

Regulation of Railways Act 1868

S 23. **Penalty for trespasses on railways.** If any person shall be or pass upon any railway, except for the purpose of crossing the same at any authorized crossing, after having once received warning by the company which works such railway, or by any of their agents or servants, not to go or pass thereon, every person so offending shall forfeit and pay any sum not exceeding level 1 [] for every such offence.

Public Stores Act 1875

S 1. **Interpretation of terms.** In this Act the term “stores” includes all goods and chattels, and any single store or article...

S 2. **Stores to which the Act applies.** This Act shall apply to all stores under the care, superintendence, or control of a [SS], or any public department or office, or of any person in the service of [HM], and such stores are in this Act referred to as [HM]’s stores. The [SS], public department, office, or person having the care, superintendence, or control of such stores, are herein-after in this Act included in the expression public department.⁴⁷

S 3. **Marks in schedule appropriated for public stores.** The marks described in the [sch 1] to this Act may be applied in or on stores in order to denote [HM]’s property in stores so marked; and it shall be lawful for any public department, and the contractors, officers, and workmen of such department, to apply those marks, or any of them, in or on any such stores; and if any person without lawful authority (proof of which authority shall lie on the party accused) applies any of those marks in or on any such stores he shall be guilty of a misdemeanor, [obs] and shall on conviction thereof be liable to be imprisoned for any term not exceeding [2] years.⁴⁸

S 4. **Obliteration with intent to concealment.** If any person with intent to conceal [HM]’s property in any stores takes out, destroys, or obliterates, wholly or in part, any such mark as aforesaid, or any mark whatsoever denoting the property of [HM] in any stores, he shall be guilty of felony [Obs] and shall on conviction thereof be liable, in the discretion of the court before which he is convicted, to be kept in penal servitude [obs] for any term not exceeding [7] years. [now imprisonment for up to 2 years]

⁴³ This wording is not necessary. Further, the purposive element needs to be stated which is only implicit viz. ‘It is a crime if a person (A); (a) unlawfully and (b) intentionally (c) obstructs a train (including any carriages or wagons attached) (d) intending to cause criminal damage.

⁴⁴ Today, the word ‘malicious damage’ is phrased as ‘criminal damage’. This Act only deals with railways. See also Archbold (2024) 23-56. The cases are dated.

⁴⁵ The wording in s 32 is similar to that in the Malicious Damage Act 1861, s 35 (see above) save that the former is to protect (public) passengers (see italics supplied).

⁴⁶ Ibid.

⁴⁷ Ss 1 & 2 should be combined.

⁴⁸ This, actually, should be criminal damage.

S 5. **Power to stop suspected boats, persons, &c.** A constable of the metropolitan police force may, within the limits for which he is constable, [obs]⁴⁹ and any constable, if deputed by a public department, may, within the limits for which he is constable, stop, search, and detain any vessel, boat or vehicle in or which there is reason to suspect that any of [HM's] stores stolen or unlawfully obtained may be found, or any person reasonably suspected of having or conveying in any manner any of [HM's] stores stolen or unlawfully obtained. A constable shall be deemed to be deputed by a public department within the meaning of this [s] if he is deputed by any writing signed by the person who is the head of such department, or who is authorised to sign documents on behalf of such department.⁵⁰

S 6. **Unlawful possession of [HM's] stores.** If any person is brought before a court of summary jurisdiction charged with conveying or with having in his possession or keeping any of [HM's] stores reasonably suspected of being stolen or unlawfully obtained, and does not give an account to the satisfaction of the court how he came by the same, he shall be deemed guilty of a misdemeanor [obs], and shall be liable, on [SC], to a penalty not exceeding level 1 [], or, in the discretion of the court, to be imprisoned for any term not exceeding [2] months.

S 7. **Prohibition of sweeping, &c. near dockyards, artillery ranges, &c.** It shall not be lawful for any person, without permission in writing from a public department, or from some person authorised by a public department in that behalf (proof of which permission shall lie on the party accused,) to gather or search for stores, or to creep, sweep, or dredge in the sea or any tidal water, within [100] yards from any vessel belonging to [HM] or in [HM's] service, or from any mooring place or anchoring place appropriated to such vessels, or from any moorings belonging to [HM], or from any of [HM's] wharves, or dock, victualling, or steam factory yards, or within [1000] yards from any battery or fort used for the practice of artillery either by the Royal Artillery or by volunteer artillery or from any aerodrome used by the Air Force, or in or on any part of the spaces or distances, whether covered with water or not, from time to time marked out as ranges for artillery practice for the use of [HM's] ships, or marked out and appropriated for ranges under the provisions of the Artillery Ranges Act 1862 [repealed]. If any person acts in contravention of this provision he shall be liable, on [SC], to a penalty not exceeding level 1 [], or, in the discretion of the court, to be imprisoned for any term not exceeding [2] months. [obs]⁵¹

S 8. **Penalty on dealer, &c. found in possession of stores, and not accounting for them.** If stores are found in the possession or keeping of a person being in [HM] service, or in the service of a public department, or being a dealer in marine stores or in old metals, or a pawnbroker (within the meaning of any enactments for the time being in force relating to such dealers or to pawnbrokers), and he is taken or summoned before a court of summary jurisdiction, and the court sees reasonable grounds for believing the stores found to be or to have been [HM's] property, then if such person does not satisfy the court that he came lawfully by the stores so found, he shall be liable, on [SC], to a penalty not exceeding [5] pounds. [obs]

S 9. **Criminal possession explained.** For the purposes of this Act stores shall be deemed to be in the possession or keeping of any person if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or enclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another.⁵²

S 12. Any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, in the act of committing or attempting to commit an offence against [s] 5 or 8 of this Act. (2) If it is made to appear by information on oath before a [JP] that there is reasonable cause to believe that any person has in his custody or possession or on his premises any stores in respect of which an offence against [s] 5 of this Act has been committed, the [JP] may issue a warrant to a constable to search for and seize the stores as in the case of stolen goods, and the Police (Property) Act 1897 shall apply as if this [ss] were among the enactments mentioned in [s] 1(1) of that Act. [obs]⁵³

Police Property Act 1897

S 1. **Power to make orders with respect to property in possession of police.** (1) Where any property has come into the possession of the police in connexion with their investigation of a suspected offence or [s 34] of the Pawnbrokers Act 1872, [obs] a court of summary jurisdiction may, on application, either by an [PO] or by a claimant of the property, make an order for the delivery of the property to the person appearing to the magistrate or court to be the owner thereof, or, if the owner cannot be ascertained, make such order with respect to the property as to the magistrate or court may seem meet. (2) An order under this [s] shall not affect the right of any person to take within [6] months from the date of the order legal proceedings against any person in possession of property delivered by virtue of the order for the recovery of the property, but on the expiration of those [6] months the right shall cease.

S 2. **Regulations with respect to unclaimed property in possession of police.** (1) A [SS] may make regulations for the disposal of property which has come into the possession of the police under the circumstances mentioned in this Act in cases where the owner of the property has not been ascertained and no order of a competent court has been made with respect thereto. (2) The regulations may authorise the sale of any such property, and the application of the proceeds of any such sale, and the application of any money of which the owner cannot be ascertained, to all or any of the following purposes: (a) the expenses of executing the regulations; (b) the payment of reasonable compensation to any person by whom the property has been delivered into the possession of the police; (c) the making of payments for the benefit of discharged prisoners or of persons dependent on prisoners or discharged prisoners; or (d) such other purposes as the [SS] may consider expedient. (2A) The regulations may also provide that where, in the case of property other than money (a) the property has remained in the possession of the police for a year, (b) the

⁴⁹ This Act was mainly to deal with Port of London naval boats. Today, the reference should be to any police constable.

⁵⁰ The Police and Criminal Evidence Act 1984, ss 1-7 should now apply, see s 7 of the same, and this section be repealed.

⁵¹ Artillery shells used to be of value, being of brass. This section is now obsolete and MOD property tends to be heavily guarded.

⁵² This section would appear no longer necessary.

⁵³ See fn 50. This section should be repealed. It is unnecessary. Also, seizure, today, is best left to the police.

police would under the regulations have power to sell the property, (c) in the opinion of the relevant body, the property can be used for police purposes, and (d) the relevant body determine, in such manner as may be prescribed by the regulations, that the property is to be retained by the relevant body, the relevant body is to become the owner of the property on the making of the determination or at such later time as the regulations may specify. (2B) The relevant body for the purposes of [ss] (2A) is the local policing body. (3) Where the property is a perishable article or its custody involves unreasonable expense or inconvenience it may be sold at any time, but the proceeds of sale shall not be disposed of until they have remained in the possession of the police for a year. In any other case the property shall not be sold until it has remained in the possession of the police for a year. (4) The regulations may also provide for the investment of money and for the audit of accounts. (4A) The regulations may also provide for the publication of determinations falling within [ss] (2A)(d) above. (5) The regulations shall apply whether the property to which they relate has come into the possession of the police before or after the making of the regulations. (6) *In relation to [E&W], the power to make regulations under this [s] is exercisable by [SI]; and a [SI] made in the exercise of that power is subject to annulment in pursuance of a resolution of either House of Parliament.* (7) *In relation to [NI], the power to make regulations under this [s] is exercisable by statutory rule for the purposes of the Statutory Rules ([NI]) Order 1979; and regulations made in the exercise of that power are subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a [SI] and [s] 5 of the Statutory Instruments Act 1946 shall have effect accordingly.* **

S 3. **Application to the [NCA]** (1) This Act applies to property which has come into the possession of the [NCA] as it applies to property that has come into the possession of the police. (2) In relation to property that has come into the possession of the [NCA] (a) the reference in s 1(1) to an officer of police is a reference to a [NCA] officer; and (b) references in [s] 2 to the property remaining in the possession of the police are references to its remaining in the possession of that Agency. (3) The power to make regulations under [s] 2 has effect in relation to property that has come into the possession of the [NCA] as if (a) the relevant authority for the purposes of [ss] (2A) of that [s] were that Agency; and (b) the reference in [ss](2A)(c) of that [s] to police purposes were a reference to the purposes of that Agency. See also s 4 (*Extent*).

Theft Act 1968

S 1. **Basic definition of Theft.** (1) A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it; and “*thief*” and “*steal*” shall be construed accordingly. (2) It is immaterial whether the appropriation is made with a view to gain, or is made for the thief’s own benefit. (3) The [5] following [ss] of this Act shall have effect as regards the interpretation and operation of this [s] (and, except as otherwise provided by this Act, shall apply only for purposes of this [s]).

S 2. **“Dishonestly”** (1) A person’s appropriation of property belonging to another is not to be regarded as dishonest (a) if he appropriates the property in the belief that he has in law the right to deprive the other of it, on behalf of himself or of a third person; or (b) if he appropriates the property in the belief that he would have the other’s consent if the other knew of the appropriation and the circumstances of it; or (c) (except where the property came to him as trustee or personal representative) if he appropriates the property in the belief that the person to whom the property belongs cannot be discovered by taking reasonable steps. (2) A person’s appropriation of property belonging to another may be dishonest notwithstanding that he is willing to pay for the property.

S 3. **“Appropriates”**. (1) Any assumption by a person of the rights of an owner amounts to an appropriation, and this includes, where he has come by the property (innocently or not) without stealing it, any later assumption of a right to it by keeping or dealing with it as owner. (2) Where property or a right or interest in property is or purports to be transferred for value to a person acting in good faith, no later assumption by him of rights which he believed himself to be acquiring shall, by reason of any defect in the transferor’s title, amount to theft of the property.

S 4. **“Property”**. (1) “*Property*” includes money and all other property, real or personal, including things in action and other intangible property. (2) A person cannot steal land, or things forming part of land and severed from it by him or by his directions, except in the following cases, that is to say (a) when he is a trustee or personal representative, or is authorised by power of attorney, or as liquidator of a company, or otherwise, to sell or dispose of land belonging to another, and he appropriates the land or anything forming part of it by dealing with it in breach of the confidence reposed in him; or (b) when he is not in possession of the land and appropriates anything forming part of the land by severing it or causing it to be severed, or after it has been severed; or (c) when, being in possession of the land under a tenancy, he appropriates the whole or part of any fixture or structure let to be used with the land. For purposes of this [ss] “*land*” does not include incorporeal hereditaments; “*tenancy*” means a tenancy for years or any less period and includes an agreement for such a tenancy, but a person who after the end of a tenancy remains in possession as statutory tenant or otherwise is to be treated as having possession under the tenancy, and “*let*” shall be construed accordingly. (3) A person who picks mushrooms growing wild on any land, or who picks flowers, fruit or foliage from a plant growing wild on any land, does not (although not in possession of the land) steal what he picks, unless he does it for reward or for sale or other commercial purpose. For purposes of this [ss] “*mushroom*” includes any fungus, and “*plant*” includes any shrub or tree. (4) Wild creatures, tamed or untamed, shall be regarded as property; but a person cannot steal a wild creature not tamed nor ordinarily kept in captivity, or the carcase of any such creature, unless either it has been reduced into possession by or on behalf of another person and possession of it has not since been lost or abandoned, or another person is in course of reducing it into possession.

S 5. **“Belonging to another”**. (1) Property shall be regarded as belonging to any person having possession or control of it, or having in it any proprietary right or interest (not being an equitable interest arising only from an agreement to transfer or grant an interest). (2) Where property is subject to a trust, the persons to whom it belongs shall be regarded as including any person having a right to enforce the trust, and an intention to defeat the trust shall be regarded accordingly as an intention to deprive of the property any person having that right. (3) Where a person receives property from or on account of another, and is under an obligation to the other to retain and deal with that property or its proceeds in a particular way, the property or proceeds shall be regarded (as against him) as belonging to the other. (4) Where a person gets property by another’s mistake, and is under an obligation to make restoration (in whole or in part) of the property or its proceeds or of the value thereof, then to the extent of that

obligation the property or proceeds shall be regarded (as against him) as belonging to the person entitled to restoration, and an intention not to make restoration shall be regarded accordingly as an intention to deprive that person of the property or proceeds. (5) Property of a corporation sole shall be regarded as belonging to the corporation notwithstanding a vacancy in the corporation.

S 6. **‘With the intention of permanently depriving the other of it’**. (1) A person appropriating property belonging to another without meaning the other permanently to lose the thing itself is nevertheless to be regarded as having the intention of permanently depriving the other of it if his intention is to treat the thing as his own to dispose of regardless of the other’s rights; and a borrowing or lending of it may amount to so treating it if, but only if, the borrowing or lending is for a period and in circumstances making it equivalent to an outright taking or disposal. (2) Without prejudice to the generality of [ss] (1) above, where a person, having possession or control (lawfully or not) of property belonging to another, parts with the property under a condition as to its return which he may not be able to perform, this (if done for purposes of his own and without the other’s authority) amounts to treating the property as his own to dispose of regardless of the other’s rights.

S 7. **Theft**. A person guilty of theft shall on conviction on indictment be liable to imprisonment for a term not exceeding [7] years.

S 8. **Robbery**. (1) A person is guilty of robbery if he steals, and immediately before or at the time of doing so, and in order to do so, he uses force on any person or puts or seeks to put any person in fear of being then and there subjected to force. (2) A person guilty of robbery, or of an assault with intent to rob, shall on conviction on indictment be liable to imprisonment for life.

S 9. **Burglary**. (1) A person is guilty of burglary if (a) he enters any building or part of a building as a trespasser and with intent to commit any such offence as is mentioned in [ss] (2) below; or (b) having entered any building or part of a building as a trespasser he steals or attempts to steal anything in the building or that part of it or inflicts or attempts to inflict on any person therein any grievous bodily harm. (2) The offences referred to in [ss] (1)(a) above are offences of stealing anything in the building or part of a building in question, of inflicting on any person therein any grievous bodily harm therein, and of doing unlawful damage to the building or anything therein. (3) A person guilty of burglary shall on conviction on indictment be liable to imprisonment for a term not exceeding (a) where the offence was committed in respect of a building or part of a building which is a dwelling, [14] years; (b) in any other case, [10] years. (4) References in [ss] (1) and (2) above to a building, and the reference in [ss] (3) above to a building which is a dwelling, shall apply also to an inhabited vehicle or vessel, and shall apply to any such vehicle or vessel at times when the person having a habitation in it is not there as well as at times when he is.

S 10. **Aggravated burglary**. (1) A person is guilty of aggravated burglary if he commits any burglary and at the time has with him any firearm or imitation firearm, any weapon of offence, or any explosive; and for this purpose (a) “*firearm*” includes an air gun or air pistol, and “*imitation firearm*” means anything which has the appearance of being a firearm, whether capable of being discharged or not; and (b) “*weapon of offence*” means any article made or adapted for use for causing injury to or incapacitating a person, or intended by the person having it with him for such use; and (c) “*explosive*” means any article manufactured for the purpose of producing a practical effect by explosion, or intended by the person having it with him for that purpose. (2) A person guilty of aggravated burglary shall on conviction on indictment be liable to imprisonment for life.

S 11. **Removal of articles from places open to the Public**. (1) Subject to [ss] (2) and (3) below, where the public have access to a building in order to view the building or part of it, or a collection or part of a collection housed in it, any person who without lawful authority removes from the building or its grounds the whole or part of any article displayed or kept for display to the public in the building or that part of it or in its grounds shall be guilty of an offence. For this purpose “*collection*” includes a collection got together for a temporary purpose, but references in this section to a collection do not apply to a collection made or exhibited for the purpose of effecting sales or other commercial dealings. (2) It is immaterial for purposes of [ss] (1) above, that the public’s access to a building is limited to a particular period or particular occasion; but where anything removed from a building or its grounds is there otherwise than as forming part of, or being on loan for exhibition with, a collection intended for permanent exhibition to the public, the person removing it does not thereby commit an offence under this [s] unless he removes it on a day when the public have access to the building as mentioned in [ss] (1) above. (3) A person does not commit an offence under this [ss] if he believes that he has lawful authority for the removal of the thing in question or that he would have it if the person entitled to give it knew of the removal and the circumstances of it. (4) A person guilty of an offence under this [s] shall, on conviction on indictment, be liable to imprisonment for a term not exceeding 5 years.

S 12. **Taking motor vehicle or other conveyance without authority**. (1) Subject to [ss] (5) and (6) below, a person shall be guilty of an offence if, without having the consent of the owner or other lawful authority, he takes any conveyance for his own or another’s use or, knowing that any conveyance has been taken without such authority, drives it or allows himself to be carried in or on it. (2) A person guilty of an offence under [ss] (1) above shall be liable on summary conviction to a fine not exceeding level 5 [SC], to imprisonment for a term not exceeding [6] months, or to both. (4) If on the trial of an indictment for theft the jury are not satisfied that the accused committed theft, but it is proved that the accused committed an offence under [ss] (1) above, the jury may find him guilty of the offence under [ss] (1) and if he is found guilty of it, he shall be liable as he would have been liable under [ss] (2) above on [SC]. (4A) Proceedings for an offence under [ss] (1) above (but not proceedings of a kind falling within [ss] (4) above) in relation to a mechanically propelled vehicle (a) shall not be commenced after the end of the period of [3] years beginning with the day on which the offence was committed; but (b) subject to that, may be commenced at any time within the period of [6] months beginning with the relevant day. (4B) In [ss] (4A)(b) above “*the relevant day*” means (a) in the case of a prosecution for an offence under [ss] (1) above by a public prosecutor, the day on which sufficient evidence to justify the proceedings came to the knowledge of any person responsible for deciding whether to commence any such prosecution; (b) in the case of a prosecution for an offence under [ss] (1) above which is commenced by a person other than a public prosecutor after the discontinuance of a prosecution falling within [para] (a) above which relates to the same facts, the day on which sufficient evidence to justify the proceedings came to the knowledge of the person who has decided to commence the prosecution or (if later) the discontinuance of the other prosecution; (c) in the case of any other prosecution for an offence under

[ss] (1) above, the day on which sufficient evidence to justify the proceedings came to the knowledge of the person who has decided to commence the prosecution. (4C) For the purposes of [ss] (4A)(b) above a certificate of a person responsible for deciding whether to commence a prosecution of a kind mentioned in [ss] (4B)(a) above as to the date on which such evidence as is mentioned in the certificate came to the knowledge of any person responsible for deciding whether to commence any such prosecution shall be conclusive evidence of that fact. (5) [ss] (1) above shall not apply in relation to pedal cycles; but, subject to [ss] (6) below, a person who, without having the consent of the owner or other lawful authority, takes a pedal cycle for his own or another's use, or rides a pedal cycle knowing it to have been taken without such authority, shall on summary conviction be liable to a fine not exceeding level 3. (6) A person does not commit an offence under this [s] by anything done in the belief that he has lawful authority to do it or that he would have the owner's consent if the owner knew of his doing it and the circumstances of it. (7) For purposes of this [s] (a) "conveyance" means any conveyance constructed or adapted for the carriage of a person or persons whether by land, water or air, except that it does not include a conveyance constructed or adapted for use only under the control of a person not carried in or on it, and "drive" shall be construed accordingly; and (b) "owner", in relation to a conveyance which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the conveyance under that agreement.

S 12A. **Aggravated vehicle-taking.** (1) Subject to [ss] (3) below, a person is guilty of aggravated taking of a vehicle if (a) he commits an offence under [s] 12(1) above (in this [s] referred to as a "basic offence") in relation to a mechanically propelled vehicle; and (b) it is proved that, at any time after the vehicle was unlawfully taken (whether by him or another) and before it was recovered, the vehicle was driven, or injury or damage was caused, in one or more of the circumstances set out in [paras] (a) to (d) of [ss] (2) below. (2) The circumstances referred to in [ss] (1)(b) above are (a) that the vehicle was driven dangerously on a road or other public place; (b) that, owing to the driving of the vehicle, an accident occurred by which injury was caused to any person; (c) that, owing to the driving of the vehicle, an accident occurred by which damage was caused to any property, other than the vehicle; (d) that damage was caused to the vehicle. (3) A person is not guilty of an offence under this [s] if he proves that, as regards any such proven driving, injury or damage as is referred to in [ss] (1)(b) above, either (a) the driving, accident or damage referred to in [ss] (2) above occurred before he committed the basic offence; or (b) he was neither in nor on nor in the immediate vicinity of the vehicle when that driving, accident or damage occurred. (4) A person guilty of an offence under this [s] shall be liable on conviction on indictment to imprisonment for a term not exceeding [2] years or, if it is proved that, in circumstances falling within [ss] (2)(b) above, the accident caused the death of the person concerned, [14] years. (5) If a person who is charged with an offence under this [s] is found not guilty of that offence but it is proved that he committed a basic offence, he may be convicted of the basic offence. (6) If by virtue of [ss] (5) above a person is convicted of a basic offence before the Crown Court, that court shall have the same powers and duties as a magistrates' court would have had on convicting him of such an offence. (7) For the purposes of this [s] a vehicle is driven dangerously if (a) it is driven in a way which falls far below what would be expected of a competent and careful driver; and (b) it would be obvious to a competent and careful driver that driving the vehicle in that way would be dangerous. (8) For the purposes of this [s] a vehicle is recovered when it is restored to its owner or to other lawful possession or custody; and in this [ss] "owner" has the same meaning as in [s] 12 above.

S 13. **Abstracting of electricity.** A person who dishonestly uses without due authority, or dishonestly causes to be wasted or diverted, any electricity shall on conviction on indictment be liable to imprisonment for a term not exceeding [5] years.

S 14. **Extension to thefts from mails outside [E&W], and robbery etc. on such a theft.** (1) Where a person (a) steals or attempts to steal any mail bag or postal packet in the course of transmission as such between places in different jurisdictions in the British postal area, or any of the contents of such a mail bag or postal packet; or (b) in stealing or with intent to steal any such mail bag or postal packet or any of its contents, commits any robbery, attempted robbery or assault with intent to rob; then, notwithstanding that he does so outside [E&W], he shall be guilty of committing or attempting to commit the offence against this Act as if he had done so in [E&W], and he shall accordingly be liable to be prosecuted, tried and punished in [E&W] without proof that the offence was committed there. (2) In [ss] (1) above the reference to different jurisdictions in the British postal area is to be construed as referring to the several jurisdictions of [E&W], of Scotland, of [NI], of the Isle of Man and of the Channel Islands. Ss 15 & 16 (*repealed*).

S 17. **False accounting.** (1) Where a person dishonestly, with a view to gain for himself or another or with intent to cause loss to another, (a) destroys, defaces, conceals or falsifies any account or any record or document made or required for any accounting purpose; or (b) in furnishing information for any purpose produces or makes use of any account, or any such record or document as aforesaid, which to his knowledge is or may be misleading, false or deceptive in a material particular; he shall, on conviction on indictment, be liable to imprisonment for a term not exceeding [7] years. (2) For purposes of this [s] a person who makes or concurs in making in an account or other document an entry which is or may be misleading, false or deceptive in a material particular, or who omits or concurs in omitting a material particular from an account or other document, is to be treated as falsifying the account or document.

S 18. **Liability of company officers for certain offences by company.** (1) Where an offence committed by a body corporate under [s] 17 of this Act is proved to have been committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence, and shall be liable to be proceeded against and punished accordingly. (2) Where the affairs of a body corporate are managed by its members, this [s] shall apply 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.

S 19. **False statements by company directors, etc.** (1) Where an officer of a body corporate or unincorporated association (or person purporting to act as such), with intent to deceive members or creditors of the body corporate or association about its affairs, publishes or concurs in publishing a written statement or account which to his knowledge is or may be misleading, false or deceptive in a material particular, he shall on conviction on indictment be liable to imprisonment for a term not exceeding [7] years. (2) For purposes of this [s] a person who has entered into a

security for the benefit of a body corporate or association is to be treated as a creditor of it. (3) Where the affairs of a body corporate or association are managed by its members, this [s] shall apply to any statement which a member publishes or concurs in publishing in connection with his functions of management as if he were an officer of the body corporate or association.

S 20. **Suppression, etc. of documents.** (1) A person who dishonestly, with a view to gain for himself or another or with intent to cause loss to another, destroys, defaces or conceals any valuable security, any will or other testamentary document or any original document of or belonging to, or filed or deposited in, any court of justice or any government department shall on conviction on indictment be liable to imprisonment for a term not exceeding [7] years. (2)(3) For the purposes of this [s] “*valuable security*” means any document creating, transferring, surrendering or releasing any right to, in or over property, or authorising the payment of money or delivery of any property, or evidencing the creation, transfer, surrender or release of any such right, or the payment of money or delivery of any property, or the satisfaction of any obligation.

S 21. **Blackmail.** (1) A person is guilty of blackmail if, with a view to gain for himself or another or with intent to cause loss to another, he makes any unwarranted demand with menaces; and for this purpose a demand with menaces is unwarranted unless the person making it does so in the belief (a) that he has reasonable grounds for making the demand; and (b) that the use of the menaces is a proper means of reinforcing the demand. (2) The nature of the act or omission demanded is immaterial, and it is also immaterial whether the menaces relate to action to be taken by the person making the demand. (3) A person guilty of blackmail shall on conviction on indictment be liable to imprisonment for a term not exceeding [14] years.

S 22. **Handling stolen goods.** (1) A person handles stolen goods if (otherwise than in the course of the stealing) knowing or believing them to be stolen goods he dishonestly receives the goods, or dishonestly undertakes or assists in their retention, removal, disposal or realisation by or for the benefit of another person, or if he arranges to do so. (2) A person guilty of handling stolen goods shall on conviction on indictment be liable to imprisonment for a term not exceeding [14] years.

S 23. **Advertising rewards for return of goods stolen or lost.** Where any public advertisement of a reward for the return of any goods which have been stolen or lost uses any words to the effect that no questions will be asked, or that the person producing the goods will be safe from apprehension or inquiry, or that any money paid for the purchase of the goods or advanced by way of loan on them will be repaid, the person advertising the reward and any person who prints or publishes the advertisement shall on [SC] be liable to a fine not exceeding level 3 []

S 24. **Scope of offences relating to stolen goods.** (1) The provisions of this Act relating to goods which have been stolen shall apply whether the stealing occurred in [E&W] or elsewhere, and whether it occurred before or after the commencement of this Act, provided that the stealing (if not an offence under this Act) amounted to an offence where and at the time when the goods were stolen; and references to stolen goods shall be construed accordingly. (2) For purposes of those provisions references to stolen goods shall include, in addition to the goods originally stolen and parts of them (whether in their original state or not), (a) any other goods which directly or indirectly represent or have at any time represented the stolen goods in the hands of the thief as being the proceeds of any disposal or realisation of the whole or part of the goods stolen or of goods so representing the stolen goods; and (b) any other goods which directly or indirectly represent or have at any time represented the stolen goods in the hands of a handler of the stolen goods or any part of them as being the proceeds of any disposal or realisation of the whole or part of the stolen goods handled by him or of goods so representing them. (3) But no goods shall be regarded as having continued to be stolen goods after they have been restored to the person from whom they were stolen or to other lawful possession or custody, or after that person and any other person claiming through him have otherwise ceased as regards those goods to have any right to restitution in respect of the theft. (4) For purposes of the provisions of this Act relating to goods which have been stolen (including [ss] (1) to (3) above) goods obtained in [E&W] or elsewhere either by blackmail or, subject to [ss] (5) below, by fraud (*within the meaning of the Fraud Act 2006*) shall be regarded as stolen; and “*steal*”, “*theft*” and “*thief*” shall be construed accordingly. (5) [ss] (1) above applies in relation to goods obtained by fraud as if (a) the reference to the commencement of this Act were a reference to the commencement of the Fraud Act 2006, and (b) the reference to an offence under this Act were a reference to an offence under [s] 1 of that Act.

S 24A. **Dishonestly retaining a wrongful credit.** (1) A person is guilty of an offence if (a) a wrongful credit has been made to an account kept by him or in respect of which he has any right or interest; (b) he knows or believes that the credit is wrongful; and (c) he dishonestly fails to take such steps as are reasonable in the circumstances to secure that the credit is cancelled. (2) References to a credit are to a credit of an amount of money. (2A) A credit to an account is wrongful to the extent that it derives from (a) theft; (b) blackmail; (c) fraud (*contrary to [s] 1 of the Fraud Act 2006*); or (d) stolen goods. (5) In determining whether a credit to an account is wrongful, it is immaterial (in particular) whether the account is overdrawn before or after the credit is made. (6) A person guilty of an offence under this [s] shall be liable on conviction on indictment to imprisonment for a term not exceeding [10] years. (7) [ss] (8) below applies for purposes of provisions of this Act relating to stolen goods (including [ss] (2A) above). (8) References to stolen goods include money which is dishonestly withdrawn from an account to which a wrongful credit has been made, but only to the extent that the money derives from the credit. (9) “*Account*” means an account kept with (a) a bank; (b) a person carrying on a business which falls within [ss] (10) below; or (c) a person falling within any of [paras] (a) to (j) of the definition of “*electronic money issuer*” in [reg] 2(1) of the Electronic Money Regulations 2011. (10) A business falls within this [ss] if (a) in the course of the business money received by way of deposit is lent to others; or (b) any other activity of the business is financed, wholly or to any material extent, out of the capital of or the interest on money received by way of deposit. (11) References in [sub-s] (10) above to a deposit must be read with (a) [s] 22 of the Financial Services and Markets Act 2000; (b) any relevant order under that [s]; and (c) [Sch] 2 to that Act; but any restriction on the meaning of deposit which arises from the identity of the person making it is to be disregarded. (12) For the purposes of [ss] (10) above (a) all the activities which a person carries on by way of business shall be regarded as a single business carried on by him; and (b) ‘*money*’ includes money expressed in a currency other than sterling.

S 25. **Going equipped for stealing, etc.** (1) A person shall be guilty of an offence if, when not at his place of abode, he has with him any article for use in the course of or in connection with any burglary or theft. (2) A person guilty of an offence under this [s] shall on conviction on indictment be liable to imprisonment for a term not exceeding [3] years. (3) Where a person is charged with an offence under this [s], proof that he had with him any article made or adapted for use in committing a burglary or theft shall be evidence that he had it with him for such use. (5) For purposes of this [s] an offence under [s] 12(1) of this Act of taking a conveyance shall be treated as theft.

S 26. **Search for stolen goods.** (1) *If it is made to appear by information on oath before a [JP] that there is reasonable cause to believe that any person has in his custody or possession or on his premises any stolen goods, the [JP] may grant a warrant to search for and seize the same; but no warrant to search for stolen goods shall be addressed to a person other than a constable except under the authority of an enactment expressly so providing.* (3) *Where under this [s] a person is authorised to search premises for stolen goods, he may enter and search the premises accordingly, and may seize any goods he believes to be stolen goods.* (5) *This [s] is to be construed in accordance with [s] 24 of this Act; and in [ss] (2) above the references to handling stolen goods shall include any corresponding offence committed before the commencement of this act.*⁵⁴

S 27. **Evidence and procedure on charge of theft or handling stolen goods.** (1) Any number of persons may be charged in one indictment, with reference to the same theft, with having at different times or at the same time handled all or any of the stolen goods, and the persons so charged may be tried together. (2) On the trial of two or more persons indicted for jointly handling any stolen goods the jury may find any of the accused guilty if the jury are satisfied that he handled all or any of the stolen goods, whether or not he did so jointly with the other accused or any of them. (3) Where a person is being proceeded against for handling stolen goods (but not for any offence other than handling stolen goods), then at any stage of the proceedings, if evidence has been given of his having or arranging to have in his possession the goods the subject of the charge, or of his undertaking or assisting in, or arranging to undertake or assist in, their retention, removal, disposal or realisation, the following evidence shall be admissible for the purpose of proving that he knew or believed the goods to be stolen goods: (a) evidence that he has had in his possession, or has undertaken or assisted in the retention, removal, disposal or realisation of, stolen goods from any theft taking place not earlier than [12] months before the offence charged; and (b) (provided that [7] days' notice in writing has been given to him of the intention to prove the conviction) evidence that he has within the [5] years preceding the date of the offence charged been convicted of theft or of handling stolen goods. (4) In any proceedings for the theft of anything in the course of transmission (whether by post or otherwise), or for handling stolen goods from such a theft, a statutory declaration made by any person that he despatched or received or failed to receive any goods or postal packet, or that any goods or postal packet when despatched or received by him were in a particular state or condition, shall be admissible as evidence of the facts stated in the declaration, subject to the following conditions: (a) a statutory declaration shall only be admissible where and to the extent to which oral evidence to the like effect would have been admissible in the proceedings; and (b) a statutory declaration shall only be admissible if at least [7] days before the hearing or trial a copy of it has been given to the person charged, and he has not, at least [3] days before the hearing or trial or within such further time as the court may in special circumstances allow, given the prosecutor written notice requiring the attendance at the hearing or trial of the person making the declaration. (5) This [s] is to be construed in accordance with [s] 24 of this Act; and in [ss] (3)(b) above the reference to handling stolen goods shall include any corresponding offence committed before the commencement of this Act. S 28 (*repealed*), S 29 (*amends*)

S 30. **Spouses and civil partners** (1) This Act shall apply in relation to the parties to a marriage, and to property belonging to the wife or husband whether or not by reason of an interest derived from the marriage, as it would apply if they were not married and any such interest subsisted independently of the marriage. (2) Subject to [ss] (4) below, a person shall have the same right to bring proceedings against that person's wife or husband for any offence (whether under this Act or otherwise) as if they were not married, and a person bringing any such proceedings shall be competent to give evidence for the prosecution at every stage of the proceedings. (4) Proceedings shall not be instituted against a person for any offence of stealing or doing unlawful damage to property which at the time of the offence belongs to that person's wife or husband, or civil partner or for any attempt, incitement or conspiracy to commit such an offence, unless the proceedings are instituted by or with the consent of the [DPP]: provided that (a) this [ss] shall not apply to proceedings against a person for an offence (i) if that person is charged with committing the offence jointly with the wife or husband or civil partner (ii) if by virtue of any judicial decree or order (wherever made) that person and the wife or husband are at the time of the offence under no obligation to cohabit; or (iii) an order (wherever made) is in force providing for the separation of that person and his or her civil partner. (5) <https://www.legislation.gov.uk/ukpga/1968/60/section/30> - commentary-c688864 Notwithstanding [s] 6 of the Prosecution of Offences Act 1979 [ss] (4) of this [s] shall apply (a) to an arrest (if without warrant) made by the wife or husband, or civil partner and (b) to a warrant of arrest issued on an information laid by the wife or husband or civil partner.

S 31. **Effect on civil proceedings and rights.** (1) A person shall not be excused, by reason that to do so may incriminate that person or the spouse or civil partner of that person of an offence under this Act (a) from answering any question put to that person in proceedings for the recovery or administration of any property, for the execution of any trust or for an account of any property or dealings with property; or (b) from complying with any order made in any such proceedings; but no statement or admission made by a person in answering a question put or complying with an order made as aforesaid shall, in proceedings for an offence under this Act, be admissible in evidence against that person or (unless they married or became civil partners after the making of the statement or admission) against the spouse or civil partner of that person. (2) Notwithstanding any enactment to the contrary, where property has been stolen or obtained by fraud or other wrongful means, the title to that or any other property shall not be affected by reason only of the conviction of the offender.

⁵⁴ The Police and Criminal Evidence Act 1984, ss 1-7 should now apply.

S 32. **Effect on existing law and construction of references to offences.** (1) The following offences are hereby abolished for all purposes not relating to offences committed before the commencement of this Act, that is to say (a) any offence at common law of larceny, robbery, burglary, receiving stolen property, obtaining property by threats, extortion by colour or office or franchise, false accounting by public officers, concealment of treasure trove and, except as regards offences relating to the public revenue, cheating; and (b) any offence under an enactment mentioned in Part I of [Sch] 3 to this Act, to the extent to which the offence depends on any [s] or part of a [s] included in [Col] 3 of that Schedule; but so that the provisions in [Sch] 1 to this Act (which preserve with modifications certain offences under the Larceny Act 1861 of taking or killing deer and taking or destroying fish) shall have effect as there set out. (2) Except as regards offences committed before the commencement of this Act, and except in so far as the context otherwise requires, (a) references in any enactment passed before this Act to an offence abolished by this Act shall, subject to any express amendment or repeal made by this Act, have effect as references to the corresponding offence under this Act, and in any such enactment the expression “receive” (when it relates to an offence of receiving) shall mean handle, and “receiver” shall be construed accordingly; and (b) without prejudice to [para] (a) above, references in any enactment, whenever passed, to theft or stealing (including references to stolen goods), and references to robbery, blackmail, burglary, aggravated burglary or handling stolen goods, shall be construed in accordance with the provisions of this Act, including those of [s] 24. (spent)

S 34. **Interpretation.** (1) [ss] 4(1) and 5(1) of this Act shall apply generally for purposes of this Act as they apply for purposes of [s] 1. (2) For purposes of this Act (a) “gain” and “loss” are to be construed as extending only to gain or loss in money or other property, but as extending to any such gain or loss whether temporary or permanent; and (i) “gain” includes a gain by keeping what one has, as well as a gain by getting what one has not; and (ii) “loss” includes a loss by not getting what one might get, as well as a loss by parting with what one has; (b) “goods”, except in so far as the context otherwise requires, includes money and every other description of property except land, and includes things severed from the land by stealing; and (c) “mail bag” and “postal packet” have the meanings given by [s] 125(1) of the Postal Services Act 2000. See also s 36 (Extent).

Criminal Damage Act 1971

S 1. **Destroying or damaging property.** (1) A person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged shall be guilty of an offence. (2) A person who without lawful excuse destroys or damages any property, whether belonging to himself or another (a) intending to destroy or damage any property or being reckless as to whether any property would be destroyed or damaged; and (b) intending by the destruction or damage to endanger the life of another or being reckless as to whether the life of another would be thereby endangered; shall be guilty of an offence. (3) An offence committed under this [s] by destroying or damaging property by fire shall be charged as arson.

S 2. **Threats to destroy or damage property.** A person who without lawful excuse makes to another a threat, intending that that other would fear it would be carried out, (a) to destroy or damage any property belonging to that other or a third person; or (b) to destroy or damage his own property in a way which he knows is likely to endanger the life of that other or third person; shall be guilty of an offence.

S 3. **Possessing anything with intent to destroy or damage property.** A person who has anything in his custody or under his control intending without lawful excuse to use it or cause or permit another to use it (a) to destroy or damage any property belonging to some other person; or (b) to destroy or damage his own or the user’s property in a way which he knows is likely to endanger the life of some other person; shall be guilty of an offence.

S 4. **Punishment of offences.** (1) A person guilty of arson under [s] 1 above or of an offence under [s] 1(2) above (whether arson or not) shall on conviction on indictment be liable to imprisonment for life. (2) A person guilty of any other offence under this Act shall on conviction on indictment be liable to imprisonment for a term not exceeding [10] years.

S 5. **Without lawful excuse.** (1) This [s] applies to any offence under [s] 1(1) above and any offence under [s] 2 or 3 above other than one involving a threat by the person charged to destroy or damage property in a way which he knows is likely to endanger the life of another or involving an intent by the person charged to use or cause or permit the use of something in his custody or under his control so to destroy or damage property. (2) A person charged with an offence to which this [s] applies, shall, whether or not he would be treated for the purposes of this Act as having a lawful excuse apart from this [ss], be treated for those purposes as having a lawful excuse (a) if at the time of the act or acts alleged to constitute the offence he believed that the person or persons whom he believed to be entitled to consent to the destruction of or damage to the property in question had so consented, or would have so consented to it if he or they had known of the destruction or damage and its circumstances; or (b) if he destroyed or damaged or threatened to destroy or damage the property in question or, in the case of a charge of an offence under [s] 3 above, intended to use or cause or permit the use of something to destroy or damage it, in order to protect property belonging to himself or another or a right or interest in property which was or which he believed to be vested in himself or another, and at the time of the act or acts alleged to constitute the offence he believed (i) that the property, right or interest was in immediate need of protection; and (ii) that the means of protection adopted or proposed to be adopted were or would be reasonable having regard to all the circumstances. (3) For the purposes of this [s] it is immaterial whether a belief is justified or not if it is honestly held. (4) For the purposes of [ss] (2) above a right or interest in property includes any right or privilege in or over land, whether created by grant, licence or otherwise. (5) This [s] shall not be construed as casting doubt on any defence recognised by law as a defence to criminal charges.

S 6. **Search for things intended for use in committing offences of criminal damage.** (1) If it is made to appear by information on oath before a [JP] that there is reasonable cause to believe that any person has in his custody or under his control or on his premises anything which there is reasonable cause to believe has been used or is intended for use without lawful excuse (a) to destroy or damage property belonging to another; or (b) to destroy or damage any property in a way likely to endanger the life of another, the [JP] may grant a warrant authorising any [PO] to search

for and seize that thing. (2) A [PO] who is authorised under this [s] to search premises for anything, may enter (if need be by force) and search the premises accordingly and may seize anything which he believes to have been used or to be intended to be used as aforesaid. (3) The Police (Property) Act 1897 (*disposal of property in the possession of the police*) shall apply to property which has come into the possession of the police under this [s] as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act. *

S 7. **Jurisdiction of magistrates' courts.** (2) No rule of law ousting the jurisdiction of magistrates' courts to try offences where a dispute of title to property is involved shall preclude magistrates' courts from trying offences under this Act, or any other offences of destroying or damaging property.

S 8. **Evidence in connection with offences under this Act.** A person shall not be excused, by reason that to do so may incriminate that person or the spouse or civil partner of that person of an offence under this Act (a) from answering any question put to that person in proceedings for the recovery or administration of any property, for the execution of any trust or for an account of any property or dealings with property; or (b) from complying with any order made in any such proceedings; but no statement or admission made by a person in answering a question put or complying with an order made as aforesaid shall, in proceedings for an offence under this Act, be admissible in evidence against that person or (unless they married or became civil partners after the making of the statement or admission) against the spouse or civil partner of that person.

S 10. **Interpretation.** (1) In this Act "*property*" means property of a tangible nature, whether real or personal, including money and (a) including wild creatures which have been tamed or are ordinarily kept in captivity, and any other wild creatures or their carcasses if, but only if, they have been reduced into possession which has not been lost or abandoned or are in the course of being reduced into possession; but (b) not including mushrooms growing wild on any land or flowers, fruit or foliage of a plant growing wild on any land. For the purposes of this [ss] "*mushroom*" includes any fungus and "*plant*" includes any shrub or tree. (2) Property shall be treated for the purposes of this Act as belonging to any person (a) having the custody or control of it; (b) having in it any proprietary right or interest (not being an equitable interest arising only from an agreement to transfer or grant an interest); or (c) having a charge on it. (3) Where property is subject to a trust, the persons to whom it belongs shall be so treated as including any person having a right to enforce the trust. (4) Property of a corporation sole shall be so treated as belonging to the corporation notwithstanding a vacancy in the corporation. (5) For the purposes of this Act a modification of the contents of a computer shall not be regarded as damaging any computer or computer storage medium unless its effect on that computer or computer storage medium impairs its physical condition. See also s 12 (*Extent*).

Theft Act 1978

S 3. **Making off without payment.** (1) Subject to [ss] (3) below, a person who, knowing that payment on the spot for any goods supplied or service done is required or expected from him, dishonestly makes off without having paid as required or expected and with intent to avoid payment of the amount due shall be guilty of an offence. (2) For purposes of this [s] "*payment on the spot*" includes payment at the time of collecting goods on which work has been done or in respect of which service has been provided. (3) [ss] (1) above shall not apply where the supply of the goods or the doing of the service is contrary to law, or where the service done is such that payment is not legally enforceable.

S 4. **Punishments.** (1) Offences under this Act shall be punishable either on conviction on indictment or on [SC]. (2) A person convicted on indictment shall be liable (a)(b) for an offence under [s] 3 of this Act, to imprisonment for a term not exceeding [2] years. (3) A person convicted summarily of any offence under this Act shall be liable (a) to imprisonment for a term not exceeding [6] months; or (b) to a fine not exceeding the prescribed sum for the purposes of [s] 32 of the Magistrates' Courts Act 1980 (*punishment on [SC] of offences triable either way: £1,000 or other sum substituted by order under that Act*), or to both. See also s 7 (*Extent*).

Criminal Attempts Act 1981

S 9. **Interference with vehicles.** (1) A person is guilty of the offence of vehicle interference if he interferes with a motor vehicle or trailer or with anything carried in or on a motor vehicle or trailer with the intention that an offence specified in [ss] (2) below shall be committed by himself or some other person. (2) The offences mentioned in [ss] (1) above are (a) theft of the motor vehicle or trailer or part of it; (b) theft of anything carried in or on the motor vehicle or trailer; and (c) an offence under [s] 12(1) of the Theft Act 1968 (taking and driving away without consent); and, if it is shown that a person accused of an offence under this [s] intended that one of those offences should be committed, it is immaterial that it cannot be shown which it was. (3) A person guilty of an offence under this [s] shall be liable on [SC] to imprisonment for a term not exceeding [3] months or to a fine not exceeding level 4 [] or to both. (5) In this [s] "*motor vehicle*" and "*trailer*" have the meanings assigned to them by [s] 185(1) of the Road Traffic Act 1988.

Public Order Act 1986

S 38. **Contamination of or interference with goods with intention of causing public alarm or anxiety, etc.** (1) It is an offence for a person, with the intention (a) of causing public alarm or anxiety, or (b) of causing injury to members of the public consuming or using the goods, or (c) of causing economic loss to any person by reason of the goods being shunned by members of the public, or (d) of causing economic loss to any person by reason of steps taken to avoid any such alarm or anxiety, injury or loss, to contaminate or interfere with goods, or make it appear that goods have been contaminated or interfered with, or to place goods which have been contaminated or interfered with, or which appear to have been contaminated or interfered with, in a place where goods of that description are consumed, used, sold or otherwise supplied. (2) It is also an offence for a person, with any such intention as is mentioned in [para] (a), (c) or (d) of [ss] (1), to threaten that he or another will do, or to claim that he or another has done, any of the acts mentioned in that [ss]. (3) It is an offence for a person to be in possession of any of the following articles with a view to the commission of an offence under [ss] (1) (a) materials to be used for contaminating or interfering with goods or making it appear that goods have been contaminated or interfered with, or (b) goods which have been contaminated or interfered with, or which appear to have been contaminated or interfered with. (4) A person guilty of an offence under this [s] is liable (a) on conviction on indictment to

imprisonment for a term not exceeding 10 years or a fine or both, or (b) on [SC] to imprisonment for a term not exceeding [6] months or a fine not exceeding the statutory maximum or both. (5) In this [s] “goods” includes substances whether natural or manufactured and whether or not incorporated in or mixed with other goods. (6) The reference in [ss] (2) to a person claiming that certain acts have been committed does not include a person who in good faith reports or warns that such acts have been, or appear to have been, committed.

Computer Misuse Act 1990

S 1. **Unauthorised access to computer material.** (1) A person is guilty of an offence if (a) he causes a computer to perform any function with intent to secure access to any program or data held in any computer, or to enable any such access to be secured; (b) the access he intends to secure, or to enable to be secured, is unauthorised; and (c) he knows at the time when he causes the computer to perform the function that that is the case. (2) The intent a person has to have to commit an offence under this [s] need not be directed at (a) any particular program or data; (b) a program or data of any particular kind; or (c) a program or data held in any particular computer. (3) A person guilty of an offence under this [s] shall be liable on [SC] in [E&W], to imprisonment for a term not exceeding the general limit in a magistrates’ court or to a fine not exceeding the statutory maximum or to both; (b) on [SC] in Scotland, to imprisonment for a term not exceeding [12] months or to a fine not exceeding the statutory maximum or to both; (c) on conviction on indictment, to imprisonment for a term not exceeding [2] years or to a fine or to both.

S. 2. **Unauthorised access with intent to commit or facilitate commission of further offences.** (1) A person is guilty of an offence under this [s] if he commits an offence under [s] 1 above (“the *unauthorised access offence*”) with intent (a) to commit an offence to which this [s] applies; or (b) to facilitate the commission of such an offence (whether by himself or by any other person); and the offence he intends to commit or facilitate is referred to below in this [s] as the further offence. (2) This [s] applies to offences (a) for which the sentence is fixed by law; or (b) for which a person who has attained the age of [21] years (18 in relation to [E&W]) and has no previous convictions may be sentenced to imprisonment for a term of [5] years (or, in [E&W], might be so sentenced but for the restrictions imposed by [s] 33 of the Magistrates’ Courts Act 1980). (3) It is immaterial for the purposes of this [s] whether the further offence is to be committed on the same occasion as the unauthorised access offence or on any future occasion. (4) A person may be guilty of an offence under this [s] even though the facts are such that the commission of the further offence is impossible. (5) A person guilty of an offence under this [s] shall be liable (a) on [SC] in [E&W], to imprisonment for a term not exceeding the general limit in a magistrates’ court or to a fine not exceeding the statutory maximum or to both; (b) on [SC] in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both; (c) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine or to both.

S 3. **Unauthorised acts with intent to impair, or with recklessness as to impairing, operation of computer, etc.** (1) A person is guilty of an offence if (a) he does any unauthorised act in relation to a computer; (b) at the time when he does the act he knows that it is unauthorised; and (c) either [ss] (2) or [ss] (3) below applies. (2) This [ss] applies if the person intends by doing the act (a) to impair the operation of any computer; (b) to prevent or hinder access to any program or data held in any computer; or (c) to impair the operation of any such program or the reliability of any such data; or (d) to enable any of the things mentioned in [paras] (a) to (c) above to be done. (3) This [ss] applies if the person is reckless as to whether the act will do any of the things mentioned in [paras] (a) to (d) to (c) of [ss] (2) above. (4) The intention referred to in [ss] (2) above, or the recklessness referred to in [ss] (3) above, need not relate to (a) any particular computer; (b) any particular program or data; or (c) a program or data of any particular kind. (5) In this [s] (a) a reference to doing an act includes a reference to causing an act to be done; (b) “*act*” includes a series of acts; (c) a reference to impairing, preventing or hindering something includes a reference to doing so temporarily. (6) A person guilty of an offence under this [s] shall be liable (a) on [SC] in [E&W], to imprisonment for a term not exceeding the general limit in a magistrates’ court or to a fine not exceeding the statutory maximum or to both; (b) on [SC] in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both; (c) on conviction on indictment, to imprisonment for a term not exceeding [10] years or to a fine or to both.

S 3ZA. **Unauthorised acts causing, or creating risk of, serious damage.** (1) A person is guilty of an offence if (a) the person does any unauthorised act in relation to a computer; (b) at the time of doing the act the person knows that it is unauthorised; (c) the act causes, or creates a significant risk of, serious damage of a material kind; and (d) the person intends by doing the act to cause serious damage of a material kind or is reckless as to whether such damage is caused. (2) Damage is of a “*material kind*” for the purposes of this [s] if it is (a) damage to human welfare in any place; (b) damage to the environment of any place; (c) damage to the economy of any country; or (d) damage to the national security of any country. (3) For the purposes of [ss](2)(a) an act causes damage to human welfare only if it causes (a) loss to human life; (b) human illness or injury; (c) disruption of a supply of money, food, water, energy or fuel; (d) disruption of a system of communication; (e) disruption of facilities for transport; or (f) disruption of services relating to health. (4) It is immaterial for the purposes of [ss] (2) whether or not an act causing damage (a) does so directly; (b) is the only or main cause of the damage. (5) In this [s] (a) a reference to doing an act includes a reference to causing an act to be done; (b) “*act*” includes a series of acts; (c) a reference to a country includes a reference to a territory, and to any place in, or part or region of, a country or territory. (6) A person guilty of an offence under this [s] is (unless [ss] (7) applies) liable, on conviction on indictment, to imprisonment for a term not exceeding 14 years, or to a fine, or to both. (7) Where an offence under this [s] is committed as a result of an act causing or creating a significant risk of (a) serious damage to human welfare of the kind mentioned in [ss] (3)(a) or (3)(b), or (b) serious damage to national security, a person guilty of the offence is liable, on conviction on indictment, to imprisonment for life, or to a fine, or to both.

S 4. **Territorial scope of offences under this Act.** (1) Except as provided below in this [s], it is immaterial for the purposes of any offence under [s] 1, 3 or 3ZA above (a) whether any act or other event proof of which is required for conviction of the offence occurred in the home country concerned; or (b) whether the accused was in the home country concerned at the time of any such act or event. (2) Subject to [ss] (3) below, in the case of such an offence at least one significant link with domestic jurisdiction must exist in the circumstances of the case for the offence to be committed. (3) There is no need for any such link to exist for the commission of an offence under [s] 1 above to be established in

proof of an allegation to that effect in proceedings for an offence under [s] 2 above. (4) Subject to [s] 8 below, where (a) any such link does in fact exist in the case of an offence under [s] 1 above; and (b) commission of that offence is alleged in proceedings for an offence under [s] 2 above; [s] 2 above shall apply as if anything the accused intended to do or facilitate in any place outside the home country concerned which would be an offence to which [s] 2 applies if it took place in the home country concerned were the offence in question. (4A) It is immaterial for the purposes of an offence under [s] 3A whether the accused was in the home country concerned at the time of any act or other event proof of which is required for conviction of the offence if there is a significant link with domestic jurisdiction in relation to the offence. (5) This [s] is without prejudice to any jurisdiction exercisable by a court in Scotland apart from this [s]. (6) References in this Act to the home country concerned are references (a) in the application of this Act to [E&W], to [E&W]; (b) in the application of this Act to Scotland, to Scotland; and (c) in the application of this Act to [NI], to [NI].

S 5. Significant links with domestic jurisdiction. (1) The following provisions of this [s] apply for the interpretation of [s] 4 above. (1A) In relation to an offence under [s] 1, 3, 3ZA or 3A, where the accused was in a country outside the [UK] at the time of the act constituting the offence there is a significant link with domestic jurisdiction if (a) the accused was a [UK] national at that time; and (b) the act constituted an offence under the law of the country in which it occurred. (1B) In [ss] (1A) “country” includes territory; “[UK] national” means an individual who is (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen; (b) a person who under the British Nationality Act 1981 is a British subject; or (c) a British protected person within the meaning of that Act. (2) In relation to an offence under [s] 1, either of the following is a significant link with domestic jurisdiction (a) that the accused was in the home country concerned at the time when he did the act which caused the computer to perform the function; or (b) that any computer containing any program or data to which the accused secured or intended to secure unauthorised access by doing that act was in the home country concerned at that time. (b) that any computer containing any program or data to which the accused by doing that act secured or intended to secure unauthorised access, or enabled or intended to enable unauthorised access to be secured, was in the home country concerned at that time. (3) In relation to an offence under [s] 3, either of the following is a significant link with domestic jurisdiction (a) that the accused was in the home country concerned at the time when he did the unauthorised act (or caused it to be done); or (b) that the unauthorised act was done in relation to a computer in the home country concerned. (3A) In relation to an offence under [s] 3ZA, any of the following is also a significant link with domestic jurisdiction (a) that the accused was in the home country concerned at the time when he did the unauthorised act (or caused it to be done); (b) that the unauthorised act was done in relation to a computer in the home country concerned; (c) that the unauthorised act caused, or created a significant risk of, serious damage of a material kind (within the meaning of that section) in the home country concerned.

S 6. Territorial scope of inchoate offences related to offences under this Act. (1) On a charge of conspiracy to commit an offence under this Act the following questions are immaterial to the accused’s guilt (a) the question where any person became a party to the conspiracy; and (b) the question whether any act, omission or other event occurred in the home country concerned. (2) On a charge of attempting to commit an offence under this Act the following questions are immaterial to the accused’s guilt (a) the question where the attempt was made; and (b) the question whether it had an effect in the home country concerned. (4) This [s] does not extend to Scotland.

S 8. Relevance of external law. (1) A person is guilty of an offence triable by virtue of [s] 4(4) above only if what he intended to do or facilitate would involve the commission of an offence under the law in force where the whole or any part of it was intended to take place. (3) A person is guilty of an offence triable by virtue of [s] 1(1A) of the Criminal Attempts Act 1981 only if what he had in view would involve the commission of an offence under the law in force where the whole or any part of it was intended to take place. (4) Conduct punishable under the law in force in any place is an offence under that law for the purposes of this [s], however it is described in that law. (5) Subject to [ss] (7) below, a condition specified in [ss](1) or (3) above shall be taken to be satisfied unless not later than rules of court may provide the defence serve on the prosecution a notice (a) stating that, on the facts as alleged with respect to the relevant conduct, the condition is not in their opinion satisfied; (b) showing their grounds for that opinion; and (c) requiring the prosecution to show that it is satisfied. (6) In [ss] (5) above “the relevant conduct” means (a) where the condition in [ss] (1) above is in question, what the accused intended to do or facilitate; (c) where the condition in [ss] (3) above is in question, what the accused had in view. (7) The court, if it thinks fit, may permit the defence to require the prosecution to show that the condition is satisfied without the prior service of a notice under [ss] (5) above. (8) If by virtue of [ss] (7) above a court of solemn jurisdiction in Scotland permits the defence to require the prosecution to show that the condition is satisfied, it shall be competent for the prosecution for that purpose to examine any witness or to put in evidence any production not included in the lists lodged by it. (9) In the Crown Court the question whether the condition is satisfied shall be decided by the judge alone. (10) In the High Court of Justiciary and in the sheriff court the question whether the condition is satisfied shall be decided by the judge or, as the case may be, the sheriff alone.

S 9. British citizenship immaterial. (1) Except as provided by [s] 5(1A), In any proceedings brought in [E&W] in respect of any offence to which this [s] applies it is immaterial to guilt whether or not the accused was a British citizen at the time of any act, omission or other event proof of which is required for conviction of the offence. (2) This [s] applies to the following offences (a) any offence under this Act (c) any attempt to commit an offence under this Act...

S 10. Savings Sections 1 to 3A have effect without prejudice to the operation (a) in [E&W] of any enactment relating to powers of inspection, search or seizure or of any other enactment by virtue of which the conduct in question is authorised or required; and (b) in Scotland of any enactment or rule of law relating to powers of examination, search or seizure or of any other enactment or rule of law by virtue of which the conduct in question is authorised or required and nothing designed to indicate a withholding of consent to access to any program or data from persons as enforcement officers shall have effect to make access unauthorised for the purposes of any of those sections. In this [s] “enactment” means any enactment, whenever passed or made, contained in (a) an Act of Parliament; (b) an Act of the Scottish Parliament; (c) a Measure or Act of the National Assembly for Wales; (d) an instrument made under any such Act or Measure; (e) any other subordinate legislation (within the

meaning of the Interpretation Act 1978); “*enforcement officer*” means a constable or other person charged with the duty of investigating offences; and withholding consent from a person “*as*” an enforcement officer of any description includes the operation, by the person entitled to control access, of rules whereby enforcement officers of that description are, as such, disqualified from membership of a class of persons who are authorised to have access.

S 13. **Proceedings in Scotland.** (1) A sheriff shall have jurisdiction in respect of an offence under [s] 1 or 2 above if (a) the accused was in the sheriffdom at the time when he did the act which caused the computer to perform the function; or (b) any computer containing any program or data to which the accused by doing that act secured or intended to secure unauthorised access, or enabled or intended to enable unauthorised access to be secured, was in the sheriffdom at that time. (2) A sheriff shall have jurisdiction in respect of an offence under [s] 3 above if (a) the accused was in the sheriffdom at the time when he did the unauthorised act (or caused it to be done); or (b) the unauthorised act was done in relation to a computer in the sheriffdom. (2A) A sheriff shall have jurisdiction in respect of an offence under [s] 3ZA above if (a) the accused was in the sheriffdom at the time when he did the unauthorised act (or caused it to be done), or (b) the computer in relation to which the unauthorised act was done was in the sheriffdom at that time. (2B) A sheriff shall have jurisdiction in respect of an offence under [s] 3A above if (a) the accused was in the sheriffdom at the time when (i) he made, adapted, supplied or offered to supply the article intending it to be used as mentioned in [ss](1) of that [s], (ii) he supplied or offered to supply the article believing that it would be used as mentioned in [ss] (2) of that [s], or (iii) he obtained the article intending to use it, or with a view to its being supplied for use, as mentioned in [ss] (3) of that [s]; or (b) the offence related to the commission of an offence under [s] 1, 3 or 3ZA above (in the way described in [ss] (1) to (3) of [s] 3A above) and any computer as mentioned in [ss] (1)(b), (2)(b) or (2A)(b) of this [s] was in the sheriffdom at the time the accused carried out the act constituting the offence under [s] 3A above.

S 16. **Application to [NI].** (1) The following provisions of this [s] have effect for applying this Act in relation to [NI] with the modifications there mentioned. (1A) In [s] 1(3)(a) (a) the reference to [E&W] shall be read as a reference to [NI]; and (b) the reference to the general limit in a magistrates’ court shall be read as a reference to [6] months. (2) In [s] 2(2)(b) (a) the reference to [E&W] shall be read as a reference to [NI]; and (b) the reference to [s] 33 of the Magistrates’ Courts Act 1980 shall be read as a reference to [Art] 46(4) of the Magistrates’ Courts ([NI]) Order 1981. (2A) In [s] 2(5)(a)(a) the reference to [E&W] shall be read as a reference to [NI]; and (b) the reference to the general limit in a magistrates’ court shall be read as a reference to [6] months. (3A) In [s] 3(6)(a)(a) the reference to [E&W] shall be read as a reference to [NI]; and (b) the reference to the general limit in a magistrates’ court shall be read as a reference to [6] months. (3B) In [s] 3A(5)(a) (a) the reference to [E&W] shall be read as a reference to [NI]; and (b) the reference to the general limit in a magistrates’ court shall be read as a reference to [6] months. (4) [ss] (7) below shall apply in substitution for [ss] (3) of [s] 7; (7) *The following [paras] shall be inserted after [Art] 3(1) of that Order “(1A) Subject to [s] 8 of the Computer Misuse Act 1990 (relevance of external law), if this [para] applies to an act, what the person doing it had in view shall be treated as an offence to which this Article applies. (1B) [Para] (1A) above applies to an act if (a) it is done in [NI]; and (b) it would fall within [para] (1) as more than merely preparatory to the commission of an offence under [s] 3 of the Computer Misuse Act 1990 but for the fact that the offence, if completed, would not be an offence triable in [NI].”* (8) In [s] 8(b) the reference in (3) to [s] 1(1A) of the Criminal Attempts Act 1981 shall be read as a reference to [Art] 3(1A) of that Order. (9) The references in sections 9(1) and 10 to [E&W] shall be read as references to [NI]. (9A) In [s] 10 the definition of “*enactment*” shall be read as including a reference to an enactment, whenever passed or made, contained in [NI] legislation or in an instrument made under such legislation.

S 16A. **[NI]: search warrants for offences under [s] 1** (1) *Where a county court judge is satisfied by information on oath given by a constable that there are reasonable grounds for believing (a) that an offence under [s] 1 above has been or is about to be committed in any premises, and (b) that evidence that such an offence has been or is about to be committed is in those premises, he may issue a warrant authorising a constable to enter and search the premises, using such reasonable force as is necessary. (2) The power conferred by [ss] (1) above does not extend to authorising a search for material of the kinds mentioned in [Art] 11(2) of the Police and Criminal Evidence ([NI]) Order 1989 (privileged, excluded and special procedure material); (3) A warrant under this [s] (a) may authorise persons to accompany any constable executing the warrant; and (b) remains in force for [28] days from the date of its issue. (4) In exercising a warrant issued under this [s] a constable may seize an article if he reasonably believes that it is evidence that an offence under [s] 1 above has been or is about to be committed. (5) In this [s] “premises” includes land, buildings, movable structures, vehicles, vessels, aircraft and hovercraft; (6) This [s] extends only to [NI].* **⁵⁵

S 17. **Interpretation.** (1) The following provisions of this [s] apply for the interpretation of this Act. (2) A person secures access to any program or data held in a computer if by causing a computer to perform any function he (a) alters or erases the program or data; (b) copies or moves it to any storage medium other than that in which it is held or to a different location in the storage medium in which it is held; (c) uses it; or (d) has it output from the computer in which it is held (whether by having it displayed or in any other manner); and references to access to a program or data (and to an intent to secure such access or to enable such access to be secured) shall be read accordingly. (3) For the purposes of [ss] (2)(c) above a person uses a program if the function he causes the computer to perform (a) causes the program to be executed; or (b) is itself a function of the program. (4) For the purposes of [ss] (2)(d) above (a) a program is output if the instructions of which it consists are output; and (b) the form in which any such instructions or any other data is output (and in particular whether or not it represents a form in which, in the case of instructions, they are capable of being executed or, in the case of data, it is capable of being processed by a computer) is immaterial. (5) Access of any kind by any person to any program or data held in a computer is unauthorised if (a) he is not himself entitled to control access of the kind in question to the program or data; and (b) he does not have consent to access by him of the kind in question to the program or data from any person who is so entitled but this subsection is subject to [s] 10. (6) References to any program or data held in a computer include references to any

⁵⁵ This section should be reviewed as to whether still necessary, or whether the PCEA 1984 can apply.

program or data held in any removable storage medium which is for the time being in the computer; and a computer is to be regarded as containing any program or data held in any such medium. (8) An act done in relation to a computer is unauthorised if the person doing the act (or causing it to be done) (a) is not himself a person who has responsibility for the computer and is entitled to determine whether the act may be done; and (b) does not have consent to the act from any such person. In this [ss] “act” includes a series of acts. (9) References to the home country concerned shall be read in accordance with [s] 4(6) above. (10) References to a program include references to part of a program. (see also s 18 (*Commencement*)).

Public Order Act 1998

S 31 (*racially or religiously aggravated criminal damage*). (1) A person is guilty of an offence under this [s] if he commits an offence under [s] 1(1) of the Criminal Damage Act 1971 (*destroying or damaging property belonging to another*) which is racially or religiously aggravated for the purposes of this [s]. (2) A person guilty of an offence under this [s] shall be liable (a) on [SC], to imprisonment for a term not exceeding [6] months or to a fine not exceeding the statutory maximum, or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding [14] years or to a fine, or to both. (3) For the purposes of this [s], [s] 28(1)(a) above shall have effect as if the person to whom the property belongs or is treated as belonging for the purposes of that Act were the victim of the offence.

Equipment Theft (Prevention) Act 2023

1. Requirements for sale of equipment. (1) The [SS] may by regulations make provision to restrict the sale of specified equipment where a specified requirement is not met. (2) Regulations under [ss] (1) may specify equipment of a kind falling within the following descriptions (a) mechanically propelled vehicles that (i) are designed or adapted primarily for use other than on a road, (ii) have an engine capacity of at least 250 cubic centimeters or two kilowatts, and (iii) travel on more than two wheels or on tracks; (b) other equipment designed or adapted primarily for use in agricultural or commercial activities. (3) Regulations under [ss] (1) may specify a requirement of a kind falling within the following descriptions (a) a requirement that the equipment is fitted with a device designed, or adapted, to be fitted for the purposes of preventing the equipment from being driven or otherwise put in motion; (b) a requirement that the equipment is marked with (i) a unique identifier, and (ii) a visible indication that it is marked with a unique identifier. (4) Regulations under [ss] (1) may not restrict the sale of equipment if (a) the sale is solely for the purposes of onward sale by the buyer, or (b) the equipment has previously been used for the purpose for which it was primarily designed or adapted. (5) In this Act (a) “equipment” includes a vehicle; (b) equipment is not “used for the purpose for which it was primarily designed or adapted” solely by virtue of being used (i) in order to demonstrate its features to a potential buyer of the equipment or other equipment of the same or a similar kind, or (ii) in preparation for such a demonstration.

2. Record keeping (1) The [SS] may by regulations provide that a person selling equipment of a kind falling within a description in [s] 1 must record specified information in connection with the sale. (2) The information may include, for example (a) a name, address or telephone number, or other contact details, of the buyer, (b) the make, model or colour of the equipment, (c) if the equipment is marked with a unique identifier of a kind specified in regulations under [s] 1(1) (i) details of that unique identifier, and (ii) the method or location of the marking, and (d) the date on which the contract of sale was entered into. (3) Regulations under [ss] (1) may make provision about (a) when the information must be recorded; (b) for how long the information must be kept; (c) the form in which the information must be kept (including, for example, in an online system of a particular kind). (4) Regulations under [ss] 1) may not require a person selling equipment to record information if (a) the sale is solely for the purposes of onward sale by the buyer, or (b) the equipment has previously been used for the purpose for which it was primarily designed or adapted.

3. Enforcement. (1) A person commits an offence if the person (a) sells equipment in breach of regulations under [s] 1, or (b) fails to record or keep information in accordance with regulations under [s] 2. (2) A person that commits an offence under [ss] (1) is liable on [SC] to a fine. (3) An enforcement authority may enforce regulations under [s] 1 or 2 in their area. (4) For the powers available to an enforcement authority for the purposes of enforcing regulations under [s] 1 or 2, see [Sch] 5 to the Consumer Rights Act 2015 (*investigatory powers of enforcers etc*). (5) “Enforcement authority” means (a) a local weights and measures authority, or (b) a district council that is not a local weights and measures authority. (6) *In [para] 10 of [Sch] 5 to the Consumer Rights Act 2015 (duties and powers under which enforcement powers may be exercised), at the end insert “[s] 3 of the Equipment Theft (Prevention) Act 2023.” (spent)*

S 4. **Regulations: general.** (1) *A power to make regulations under any provision of this Act includes power to make (a) consequential, supplementary, transitional or saving provision; (b) different provision for different purposes.* (2) *Regulations under this Act are to be made by [SI].* (3) *A [SI] containing regulations under this Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.*

Specialist Printing Equipment and Materials (Offences) Act 2015

S 1. **Offence of supplying specialist printing equipment knowing it will be used for criminal purposes.** (1) A person commits an offence if (a) the person supplies any specialist printing equipment, and (b) in making the supply, the person knows that the equipment will be or is intended to be used for the purposes of criminal conduct. (2) “Criminal conduct” means conduct which constitutes (a) an offence under the law of [E&W], or (b) an offence under the law of a country outside [E&W] which, if it took place in [E&W], would constitute an offence in [E&W]. (3) An individual guilty of an offence under this [s] is liable on conviction on indictment to imprisonment for a term not exceeding 10 years, or to a fine, or to both. (4) Any other person guilty of an offence under this [s] is liable on conviction on indictment to a fine. (5) It is a defence for a person charged with an offence under this [s] to prove that the person's conduct was necessary for a purpose related to the prevention or detection of crime.

S 2. **Meaning of “specialist printing equipment”.** (1) In this Act, “*specialist printing equipment*” means any equipment which is designed or adapted for, or is otherwise capable of being used for, the making of relevant documents (including any material or article that is used in the making of such documents). (2) A “*relevant document*” is anything that is or purports to be (a) an identity document; (b) a travel document; (c) an entry document; (d) a document used for verifying the holder’s age or national insurance number; (e) a currency note or protected coin, as defined by [s] 27(1) of the Forgery and Counterfeiting Act; 1981 (f) a debit or credit card; (g) any other instrument to which [s] 5 of the Forgery and Counterfeiting Act 1981 applies (*money orders, etc.*). (3) In [ss] (2)(a), “*identity document*” means (a) a document used for confirming (i) the right of a person at a time before IP completion day under the EU Treaties in respect of entry or residence in the [UK]; or (ii) the right of a person under the Immigration (European Economic Area) Regulations 2016 (as they continue to have effect by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020) in respect of entry or residence in the [UK]; (b) a document that is given in the exercise of immigration functions and records information about leave granted to a person to enter or remain in the [UK]; (c) a registration card (within the meaning of [s] 26A of the Immigration Act 1971); (d) a [UK] passport (within the meaning of the Immigration Act 1971); (e) a passport, or other document used for the purposes of establishing identity, issued by or on behalf of the authorities of a country or territory outside the [UK] or by or on behalf of an international organisation; (f) a document that can be used (in some or all circumstances) instead of a passport. (3A) In [ss] 3(a)(i) “*EU Treaties*” includes a reference to those Treaties so far as applicable to and in the [UK] by virtue of Part 4 of the EU withdrawal agreement. (4) In [ss] (2)(b), “*travel document*” means (a) a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 or under Part 2 of the Road Traffic ([NI]) Order 1981 (S.I. 1981/154 (N.I. 1)); (b) a driving licence issued by or on behalf of the authorities of a country or territory outside the [UK] or by or on behalf of an international organisation; (c) a ticket or other document authorising travel on public passenger transport services; (d) a permit authorising travel on public passenger transport services at a concession; (e) a badge of a form prescribed under [s] 21 of the Chronically Sick and Disabled Persons Act 1970 (*blue badge scheme*) or a recognised badge for the purposes of [s] 21A of that Act. (5) In [ss] (2)(c), “*entry document*” means any document used for the purpose of authorising the holder to enter any premises (or part of premises), including (a) a security pass or other document used in that capacity, and (b) a ticket, or other document used in that capacity, to a sporting or other event. (6) In this [s] “*equipment*” includes any device, machinery or apparatus and any wire or cable, together with any software used with it; “*document*” means information recorded in any form (including stamps or labels); “*immigration functions*” means functions under the Immigration Acts (within the meaning of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004); “*premises*” includes any land; “*public passenger transport services*” has the same meaning as in the Transport Act 1985 (see [s] 63(10) of that Act).

S 3. **Offences by bodies corporate and partnerships etc** (1) For the purposes of [s] 1(1) a body (whether corporate or not) is to be treated as knowing a fact about a supply of equipment if a person who has responsibility within the body for the supply knows of the fact. (2) Where an offence committed by a body corporate is proved (a) to have been committed with the consent or connivance of an officer of the body corporate, or (b) to be attributable to neglect on the part of an officer of the body corporate, that officer (as well as the body corporate) is guilty of the offence and is liable to be proceeded against and dealt with accordingly. (3) “*Officer*”, in relation to a body corporate, means (a) any director, manager, secretary or other similar officer of the body corporate, or (b) any person purporting to act in any such capacity; and for this purpose “*director*”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate. (4) Proceedings for an offence alleged to have been committed by a partnership may be brought in the name of the partnership. (5) Rules of court relating to the service of documents have effect in relation to such proceedings as if the partnership were a body corporate. (6) For the purposes of such proceedings [s] 33 of the Criminal Justice Act 1925 and [sch] 3 to the Magistrates’ Courts Act 1980 apply as they apply in relation to a body corporate. (7) A fine imposed on a partnership on its conviction for an offence is to be paid out of the partnership assets. (8) Where an offence committed by a partnership is proved (a) to have been committed with the consent or connivance of a partner, or (b) to be attributable to neglect on the part of a partner, the partner (as well as the partnership) is guilty of the offence and is liable to be proceeded against and dealt with accordingly. (9) For the purposes of [ss] (2)(b) and (8)(b), the commission of an offence is attributable to neglect on the part of an officer or partner only if that person ought reasonably to have known of the facts giving rise to the offence. (10) In this section “*offence*” means an offence under [s] 1; “*partner*” includes a person purporting to act as a partner. ***

S 4. **Application to Crown.** This Act applies to individuals in the public service of the Crown as it applies to other individuals.

Appendix 2

Evidence Act 1851

S 15. **Certifying a false document a misdemeanor.** [obs] If any officer authorized or required by this Act to furnish any certified copies or extracts shall wilfully certify any document as being a true copy or extract, knowing that the same is not a true copy or extract, as the case may be, he shall be guilty of a *misdemeanor*, [obs] and be liable, upon conviction, to imprisonment for any term not exceeding [18] months. See also s 18 (Citation).

Forgery Act 1861

S 34. **Acknowledging recognizance, bail, cognovit, &c. in the name of another.** Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall in the name of any other person acknowledge any recognizance or bail, or any cognovit, actionem, or judgment, or any deed or other instrument, before any court, judge, or other person lawfully authorized in that behalf, shall be guilty of felony, and being convicted thereof shall be liable to be kept in penal servitude [obs] for any term not exceeding [7] years.

S 36. **Forging registers of births, baptisms, marriages, deaths, or burials.** Whosoever shall unlawfully, destroy, deface, or injure, or cause or permit to be destroyed, defaced, or injured, any register of births, baptisms, marriages, deaths, or burials which now is or hereafter shall be by law

authorized or required to be kept in England or Ireland, or any part of any such register, or any certified copy of any such register, or any part thereof, or shall knowingly and unlawfully insert or cause or permit to be inserted in any such register, or in any certified copy thereof, any false entry of any matter relating to any birth, baptism, marriage, death, or burial, or shall knowingly and unlawfully give any false certificate relating to any birth, baptism, marriage, death, or burial or shall certify any writing to be a copy or extract from any such register, knowing such writing, or the part of such register whereof such copy or extract shall be so given, to be false in any material particular, or shall offer, utter, dispose of, or put off any such register, entry, certified copy, certificate, knowing the same to be false, or shall offer, utter, dispose of, or put off any copy of any entry in any such register, knowing such entry to be false, shall be guilty of felony. [obs] and being convicted thereof, shall be liable to be kept in penal servitude for life. [obs]

S 37. **Making false entries in copies of register sent to registrar.** Whosoever shall knowingly and wilfully insert or cause or permit to be inserted in any copy of any register directed or required by law to be transmitted to any registrar or other officer any false entry of any matter relating to any baptism, marriage, or burial, or shall knowingly and wilfully sign or verify any copy of any register so directed or required to be transmitted as aforesaid, which copy shall be false in any part thereof, knowing the same to be false, or shall unlawfully destroy, deface, or injure, or shall for any fraudulent purpose take from its place of deposit, or conceal, any such copy of any register, shall be guilty of felony. [obs] and being convicted thereof shall be liable to be kept in penal servitude for life. See also s 55 (*Extent*).

Documentary Evidence Act 1868

S 4. **Punishment of forgery.** (1) If any person commits any of the offences following; that is to say, prints any copy of any proclamation, order, or regulation, which falsely purports to have been printed by the Government printer, or to be printed under the authority of the legislature of any *British colony or possession*, [obs] or tenders in evidence any copy of any proclamation, order, or regulation, which falsely purports to have been printed as aforesaid, knowing that the same was not so printed; or (2) Forges or tenders in evidence, knowing the same to have been forged, any certificate by this Act authorized to be annexed to a copy of or extract from any proclamation, order, or regulation; he shall be guilty of felony. [obs] and shall on conviction be liable to be sentenced to imprisonment.

S 5. **Definition of terms.** (1) The following words shall in this Act have the meaning herein-after assigned to them, unless there is something in the context repugnant to such construction; (that is to say) "*British colony and possession*" [obs] shall for the purposes of this Act include the Channel Islands, the Isle of Man and all other [HM's] dominions. "*Legislature*" shall signify any authority, other than the Imperial Parliament or [HM] in Council, competent to make laws for any colony or possession. "*Privy Council*" shall include [HM] in Council and the lords and others of [HM's] Privy Council, or any of them, and any committee of the Privy Council that is not specially named in the schedule hereto. "*Government printer*" shall mean and include the printer to [HM], the Queen's Printer for Scotland, and any printer purporting to be the printer authorized to print the statutes, ordinances, acts of state, or other public acts of the legislature of any *British colony or possession*, [obs] or otherwise to be the Government printer of such *colony or possession*. [obs] "*Gazette*" shall include the London Gazette, the Edinburgh Gazette, and the Belfast Gazette, or any of such Gazettes. "*office-holder in the Scottish Administration*" has the same meaning as in the Scotland Act 1998.

S 6. **Act to be cumulative.** The provisions of this Act shall be deemed to be in addition to, and not in derogation of, any powers of proving documents given by any existing statute, or existing at common law. See also *Schedule*.

Debtors Act 1869

S 13. **Penalty on fraudulently obtaining credit, &c.** Any person shall in each of the cases following be deemed guilty of a misdemeanor. [obs] and on conviction thereof shall be liable to be imprisoned for any time not exceeding [1] year.; that is to say, (2) If he has with intent to defraud his creditors, or any of them, made or caused to be made any gift, delivery, or transfer of or any charge on his property: (3) If he has, with intent to defraud his creditors, concealed or removed any part of his property since or within [2] months before the date of any unsatisfied judgment or order for payment of money obtained against him. See also s 2 (*Extent*).

Documentary Evidence Act 1882

S 3. **Penalty for forgery.** If any person prints any copy of any Act, proclamation, order, regulation, royal warrant, circular, list, gazette, or document which falsely purports to have been printed under the superintendence or authority of [HMs] Stationery Office, or tenders in evidence any copy which falsely purports to have been printed as aforesaid, knowing that the same was not so printed, he shall be guilty of felony [obs], and shall, on conviction, be liable to penal servitude for a term not exceeding [7] years, or to be imprisoned for a term not exceeding [2] years

Evidence (Colonial Statutes) Act 1907

S 1. **Proof of statutes of British possessions.** (1) Copies of Acts, ordinances, and statutes passed (whether before or after the passing of this Act) by the Legislature of any *British possession*, [obs] and of orders, regulations, and other instruments issued or made, whether before or after the passing of this Act, under the authority of any such Act, ordinance, or statute, if purporting to be printed by the Government printer, shall be received in evidence by all courts of justice in the [UK] without any proof being given that the copies were so printed. (2) If any person prints any copy or pretended copy of any such Act, ordinance, statute, order, regulation, or instrument which falsely purports to have been printed by the Government printer, or tenders in evidence any such copy or pretended copy which falsely purports to have been so printed, knowing that it was not so printed, he shall on conviction be liable to be sentenced to imprisonment for a period not exceeding [12] months. (3) In this Act the expression "*Government printer*" means, as respects any *British possession*, [obs] the printer purporting to be the printer authorised to print the Acts, ordinances, or statutes of the Legislature of that possession, or otherwise to be the Government printer of that possession: The expression "*British possession*" means any part of [HMs] dominions exclusive of the [UK], and, where parts of those dominions are under both a central and a local Legislature, shall include both all parts under the central Legislature and each part under a local Legislature. (4) Nothing in this Act shall

affect the Colonial Laws Validity Act 1865. (5) [HM] may by Order in Council extend this Act to Cyprus and any British protectorate, and where so extended this Act shall apply as if Cyprus or the protectorate were a British possession, and with such other necessary adaptations as may be made by the Order. (spent)

Criminal Justice Act 1925

S 36. **Forgery of passport.** (1) The forgery of any passport, or the making by any person of a statement which is to his knowledge untrue for the purpose of procuring a passport, whether for himself or any other person, shall be a *misdemeanour [obs]* punishable with imprisonment not exceeding [2 years] or a fine not exceeding [Pounds 100] or both such imprisonment and fine.

S 37. **Unlawful possession of pension documents.** (1) If any person receives, detains or has in his possession any document to which this [s] applies as a pledge or a security for a debt or with a view to obtaining payment from the person entitled thereto of a debt due either to himself or to any other person, he shall be liable, on [SC], to a fine not exceeding level 3 [], or to imprisonment for a term not exceeding [6] months, or to both such fine and imprisonment. (2) This [s] applies to certificates or official documents evidencing or issued in connection with the right of persons to pensions or allowances payable out of any grant which may be made out of the Consolidated Fund of the [UK] in pursuance of any Act for civil non-effective services. See also s 49 (Extent)

Honours (Prevention of Abuses) Act 1925

S 1. **Punishment of abuses in connection with the grant of honours.** (1) If any person accepts or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, or for any purpose, any gift, money or valuable consideration as an inducement or reward for procuring or assisting or endeavouring to procure the grant of a dignity or title of honour to any person, or otherwise in connection with such a grant, he shall be guilty of a *misdemeanour [obs]*; (2) If any person gives, or agrees or proposes to give, or offers to any person any gift, money or valuable consideration as an inducement or reward for procuring or assisting or endeavouring to procure the grant of a dignity or title of honour to any person, or otherwise in connection with such a grant, he shall be guilty of a *misdemeanour* (3) Any person guilty of a *misdemeanour* under this Act shall be liable on conviction on indictment to imprisonment for a term not exceeding [2] years or to a fine of any amount, or to both such imprisonment and such fine, or on [SC] to imprisonment for a term not exceeding [3] months or to a fine not exceeding the prescribed sum, or to both such imprisonment and such fine, and where the person convicted (whether on indictment or summarily) received any such gift, money, or consideration as aforesaid which is capable of forfeiture, he shall in addition to any other punishment be liable to forfeit the same to [HM].**

Forgery and Counterfeiting Act 1981

S 1. **The offence of forgery.** A person is guilty of forgery if he makes a false instrument, with the intention that he or another shall use it to induce somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice.

S 2. **The offence of copying a false instrument.** It is an offence for a person to make a copy of an instrument which is, and which he knows or believes to be, a false instrument, with the intention that he or another shall use it to induce somebody to accept it as a copy of a genuine instrument, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice.

S 3. **The offence of using a false instrument.** It is an offence for a person to use an instrument which is, and which he knows or believes to be, false, with the intention of inducing somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice.

S 4. **The offence of using a copy of a false instrument.** It is an offence for a person to use a copy of an instrument which is, and which he knows or believes to be, a false instrument, with the intention of inducing somebody to accept it as a copy of a genuine instrument, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice.

S 5. **Offences relating to money orders, share certificates, passports, etc.** (1) It is an offence for a person to have in his custody or under his control an instrument to which this [s] applies which is, and which he knows or believes to be, false, with the intention that he or another shall use it to induce somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice. (2) It is an offence for a person to have in his custody or under his control, without lawful authority or excuse, an instrument to which this [s] applies which is, and which he knows or believes to be, false. (3) It is an offence for a person to make or to have in his custody or under his control a machine or implement, or paper or any other material, which to his knowledge is or has been specially designed or adapted for the making of an instrument to which this section applies, with the intention that he or another shall make an instrument to which this section applies which is false and that he or another shall use the instrument to induce somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice. (4) It is an offence for a person to make or to have in his custody or under his control any such machine, implement, paper or material, without lawful authority or excuse. (5) The instruments to which this [s] applies are (a) money orders; (b) postal orders; (c) [UK] postage stamps; (d) Inland Revenue stamps; (e) share certificates; (g) cheques and other bills of exchange; (h) travellers' cheques; (ha) bankers' drafts; (hb) promissory notes; (j) cheque cards; (ja) debit cards; (k) credit cards; (l) certified copies relating to an entry in a register of births, adoptions, marriages, civil partnerships, conversions] or deaths and issued by the Registrar General, the Registrar General for [NI], a registration officer or a person lawfully authorised to issue certified copies relating to such entries; and (m) certificates relating to entries in such registers. (6) In [ss] (5) (e) above "share certificate" means an instrument entitling or evidencing the title of a person to a share or interest (a) in any public stock, annuity, fund or debt of any government or state, including a state which forms part of another state; or (b) in any stock, fund or debt of a body (whether corporate or unincorporated) established in the [UK] or elsewhere. (6A) In [ss] (5)(l) above, "conversion" means the conversion of a civil partnership into a marriage under [s] 9 of the Marriage (Same Sex Couples) Act

2013 and regulations made under that [s]. (7) An instrument is also an instrument to which this [s] applies if it is a monetary instrument specified for the purposes of this [s] by an order made by the [SS]. (8) *The power under [ss] (7) above is exercisable by [SI] subject to annulment in pursuance of a resolution of either House of Parliament.*

S 6. Penalties for offences under Part I. (1) A person guilty of an offence under this Part of this Act shall be liable on [SC] (a) to a fine not exceeding the statutory maximum; or (b) to imprisonment for a term not exceeding [6] months; or (c) to both. (2) A person guilty of an offence to which this [ss] applies shall be liable on conviction on indictment to imprisonment for a term not exceeding [10] years. (3) The offences to which [ss] (2) above applies are offences under the following provisions of this Part of this Act (a) [s] 1; (b) [s] 2; (c) [s] 3; (d) [s] 4; (e) [s] 5(1); and (f) [s] 5(3). (4) A person guilty of an offence under [s] 5(2) or (4) above shall be liable on conviction on indictment to imprisonment for a term not exceeding [2] years.

S 7. Powers of search, forfeiture, etc. (1) *If it appears to a [JP], from information given him on oath, that there is reasonable cause to believe that a person has in his custody or under his control (a) any thing which he or another has used, whether before or after the coming into force of this Act, or intends to use, for the making of any false instrument or copy of a false instrument, in contravention of [s] 1 or 2 above; or (b) any false instrument or copy of a false instrument which he or another has used, whether before or after the coming into force of this Act, or intends to use, in contravention of [s] 3 or 4 above; or (c) any thing custody or control of which without lawful authority or excuse is an offence under [s] 5 above, the [JP] may issue a warrant authorising a [PO] to search for and seize the object in question, and for that purpose to enter any premises specified in the warrant. (2) A [PO] may at any time after the seizure of any object suspected of falling within [para] (a), (b) or (c) of [ss] (1) above (whether the seizure was effected by virtue of a warrant under that [ss] or otherwise) apply to a magistrates' court for an order under this [ss] with respect to the object; and the court, if it is satisfied both that the object in fact falls within any of those [paras] and that it is conducive to the public interest to do so, may make such order as it thinks fit for the forfeiture of the object and its subsequent destruction or disposal. (3) Subject to [ss] (4) below, the court by or before which a person is convicted of an offence under this Part of this Act may order any object shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court may order. (4) The court shall not order any object to be forfeited under [ss] (2) or (3) above where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.**

S 8. Meaning of "instrument". (1) Subject to [ss] (2) below, in this Part of this Act "instrument" means (a) any document, whether of a formal or informal character; (b) any stamp issued or sold by a postal operator; (c) any Inland Revenue stamp; and (d) any disc, tape, sound track or other device on or in which information is recorded or stored by mechanical, electronic or other means. (2) A currency note within the meaning of Part II of this Act is not an instrument for the purposes of this Part of this Act. (3) A mark denoting payment of postage which a postal operator authorizes to be used instead of an adhesive stamp is to be treated for the purposes of this Part of this Act as if it were a stamp issued by the postal operator concerned. (3A) In this [s] "postal operator" has the meaning given by [s] 27 of the Postal Services Act 2011. (4) In this Part of this Act "Inland Revenue stamp" means a stamp as defined in [s] 27 of the Stamp Duties Management Act 1891.

S 9. Meaning of "false" and "making". (1) An instrument is false for the purposes of this Part of this Act (a) if it purports to have been made in the form in which it is made by a person who did not in fact make it in that form; or (b) if it purports to have been made in the form in which it is made on the authority of a person who did not in fact authorise its making in that form; or (c) if it purports to have been made in the terms in which it is made by a person who did not in fact make it in those terms; or (d) if it purports to have been made in the terms in which it is made on the authority of a person who did not in fact authorise its making in those terms; or (e) if it purports to have been altered in any respect by a person who did not in fact alter it in that respect; or (f) if it purports to have been altered in any respect on the authority of a person who did not in fact authorise the alteration in that respect; or (g) if it purports to have been made or altered on a date on which, or at a place at which, or otherwise in circumstances in which, it was not in fact made or altered; or (h) if it purports to have been made or altered by an existing person but he did not in fact exist. (2) A person is to be treated for the purposes of this Part of this Act as making a false instrument if he alters an instrument so as to make it false in any respect (whether or not it is false in some other respect apart from that alteration).

S 10. Meaning of "prejudice" and "induce". (1) Subject to [ss] (2) and (4) below, for the purposes of this Part of this Act an act or omission intended to be induced is to a person's prejudice if, and only if, it is one which, if it occurs (a) will result (i) in his temporary or permanent loss of property; or (ii) in his being deprived of an opportunity to earn remuneration or greater remuneration; or (iii) in his being deprived of an opportunity to gain a financial advantage otherwise than by way of remuneration; or (b) will result in somebody being given an opportunity (i) to earn remuneration or greater remuneration from him; or (ii) to gain a financial advantage from him otherwise than by way of remuneration; or (c) will be the result of his having accepted a false instrument as genuine, or a copy of a false instrument as a copy of a genuine one, in connection with his performance of any duty. (2) An act which a person has an enforceable duty to do and an omission to do an act which a person is not entitled to do shall be disregarded for the purposes of this Part of this Act. (3) In this Part of this Act references to inducing somebody to accept a false instrument as genuine, or a copy of a false instrument as a copy of a genuine one, include references to inducing a machine to respond to the instrument or copy as if it were a genuine instrument or, as the case may be, a copy of a genuine one. (4) Where [ss] (3) above applies, the act or omission intended to be induced by the machine responding to the instrument or copy shall be treated as an act or omission to a person's prejudice. (5) In this [s] "loss" includes not getting what one might get as well as parting with what one has.

S 14. Offences of counterfeiting notes and coins. (1) It is an offence for a person to make a counterfeit of a currency note or of a protected coin, intending that he or another shall pass or tender it as genuine. (2) It is an offence for a person to make a counterfeit of a currency note or of a protected coin without lawful authority or excuse.

S 15. **Offences of passing etc. counterfeit notes and coins.** (1) It is an offence for a person (a) to pass or tender as genuine any thing which is, and which he knows or believes to be, a counterfeit of a currency note or of a protected coin; or (b) to deliver to another any thing which is, and which he knows or believes to be, such a counterfeit, intending that the person to whom it is delivered or another shall pass or tender it as genuine. (2) It is an offence for a person to deliver to another, without lawful authority or excuse, any thing which is, and which he knows or believes to be, a counterfeit of a currency note or of a protected coin.

S 16. **Offences involving the custody or control of counterfeit notes and coins.** (1) It is an offence for a person to have in his custody or under his control any thing which is, and which he knows or believes to be, a counterfeit of a currency note or of a protected coin, intending either to pass or tender it as genuine or to deliver it to another with the intention that he or another shall pass or tender it as genuine. (2) It is an offence for a person to have in his custody or under his control, without lawful authority or excuse, any thing which is, and which he knows or believes to be, a counterfeit of a currency note or of a protected coin. (3) It is immaterial for the purposes of [ss] (1) and (2) above that a coin or note is not in a fit state to be passed or tendered or that the making or counterfeiting of a coin or note has not been finished or perfected.

S 17. **Offences involving the making or custody or control of counterfeiting materials and implements.** (1) It is an offence for a person to make, or to have in his custody or under his control, any thing which he intends to use, or to permit any other person to use, for the purpose of making a counterfeit of a currency note or of a protected coin with the intention that it be passed or tendered as genuine. (2) It is an offence for a person without lawful authority or excuse (a) to make; or (b) to have in his custody or under his control, any thing which, to his knowledge, is or has been specially designed or adapted for the making of a counterfeit of a currency note. (3) Subject to [ss] (4) below, it is an offence for a person to make, or to have in his custody or under his control, any implement which, to his knowledge, is capable of imparting to any thing a resemblance (a) to the whole or part of either side of a protected coin; or (b) to the whole or part of the reverse of the image on either side of a protected coin. (4) It shall be a defence for a person charged with an offence under [ss] (3) above to show (a) that he made the implement or, as the case may be, had it in his custody or under his control, with the written consent of the Treasury; or (b) that he had lawful authority otherwise than by virtue of [para] (a) above, or a lawful excuse, for making it or having it in his custody or under his control.

S 18. **The offence of reproducing British currency notes.** (1) It is an offence for any person, unless the relevant authority has previously consented in writing, to reproduce on any substance whatsoever, and whether or not on the correct scale, any British currency note or any part of a British currency note. (2) In this [s] “*British currency note*” means any note which (a) has been lawfully issued in [E&W], Scotland or [NI]; and (b) is or has been customarily used as money in the country where it was issued; and (c) is payable on demand; and “*the relevant authority*”, in relation to a British currency note of any particular description, means the authority empowered by law to issue notes of that description.

S 19. **Offences of making etc. imitation British coins.** (1) It is an offence for a person (a) to make an imitation British coin in connection with a scheme intended to promote the sale of any product or the making of contracts for the supply of any service; or (b) to sell or distribute imitation British coins in connection with any such scheme, or to have imitation British coins in his custody or under his control with a view to such sale or distribution, unless the Treasury have previously consented in writing to the sale or distribution of such imitation British coins in connection with that scheme. (2) In this [s] “*British coin*” means any coin which is legal tender in any part of the [UK]; and “*imitation British coin*” means any thing which resembles a British coin in shape, size and the substance of which it is made.

S 20. **Prohibition of importation of counterfeit notes and coins.** The importation, landing or unloading of a counterfeit of a currency note or of a protected coin without the consent of the Treasury is hereby prohibited.

S 21. **Prohibition of exportation of counterfeit notes and coins.** (1) The exportation of a counterfeit of a currency note or of a protected coin without the consent of the Treasury is hereby prohibited. (2) A counterfeit of a currency note or of a protected coin which is removed to the Isle of Man from the [UK] shall be deemed to be exported from the [UK] (a) for the purposes of this [s]; and (b) for the purposes of the customs and excise Acts, in their application to the prohibition imposed by this [s] (3) *amends*

S 22. **Penalties for offences under Part II.** (1) A person guilty of an offence to which this [ss] applies shall be liable (a) on [SC] (i) to a fine not exceeding the statutory maximum; or (ii) to imprisonment for a term not exceeding [6] months; or (iii) to both; and (b) on conviction on indictment (i) to a fine; or (ii) to imprisonment for a term not exceeding [10] years; or (iii) to both. (2) The offences to which [ss] (1) above applies are offences under the following provisions of this Part of this Act (a) [s] 14(1); (b) [s] 15(1); (c) [s] 16(1); and (d) [s] 17(1). (3) A person guilty of an offence to which this [ss] applies shall be liable (a) on [SC] (i) to a fine not exceeding the statutory maximum; or (ii) to imprisonment for a term not exceeding [6] months; or (iii) to both; and (b) on conviction on indictment (i) to a fine; or (ii) to imprisonment for a term not exceeding [2] years; or (iii) to both. (4) The offences to which [ss] (3) above applies are offences under the following provisions of this Part of this Act (a) [s] 14(2); (b) [s] 15(2); (c) [s] 16(2); (d) [s] 17(2); and (e) [s] 17(3). (5) A person guilty of an offence under [s] 18 or 19 above shall be liable (a) on summary conviction, to a fine not exceeding the statutory maximum; and (b) on conviction on indictment, to a fine.

S 27. **Meaning of “currency note” and “protected coin”.** (1) In this Part of this Act “*currency note*” means (a) any note which (a) has been lawfully issued in [E&W], Scotland, [NI], any of the Channel Islands, the Isle of Man or the Republic of Ireland; and (ii) is or has been customarily used as money in the country where it was issued; and (iii) is payable on demand; or (b) any note which (i) has been lawfully issued in some country other than those mentioned in [para] (a)(i) above; and (ii) is customarily used as money in that country; and “*protected coin*” means any coin which (a) is customarily used as money in any country; or (b) is specified in an order made by the Treasury for the purposes of this Part of this Act. (2) *The power to make any order conferred on the Treasury by [ss] (1) above shall be exercisable by [SI].* (3) *A [SI] containing such an order shall be laid before Parliament after being made.*

S 28. **Meaning of “counterfeit”.** (1) For the purposes of this Part of this Act a thing is a counterfeit of a currency note or of a protected coin (a) if it is not a currency note or a protected coin but resembles a currency note or protected coin (whether on one side only or on both) to such an

extent that it is reasonably capable of passing for a currency note or protected coin of that description; or (b) if it is a currency note or protected coin which has been so altered that it is reasonably capable of passing for a currency note or protected coin of some other description.

(2) For the purpose of this Part of this Act (a) a thing consisting of one side only of a currency note, with or without the addition of other material is a counterfeit of such a note; (b) a thing consisting (i) of parts of two or more currency notes; or (ii) of parts of a currency note, or of parts of two or more currency notes, with the addition of other material, is capable of being a counterfeit of a currency note. (3) References in this Part of this Act to passing or tendering a counterfeit of a currency note or a protected coin are not to be construed as confined to passing or tendering it as legal tender. See also ss 31-2 (*Extent*).

Criminal Justice Act 1993

S 52. **The offence of Insider Dealing.** (1) An individual who has information as an insider is guilty of insider dealing if, in the circumstances mentioned in [ss] (3), he deals in securities that are price-affected securities in relation to the information. (2) An individual who has information as an insider is also guilty of insider dealing if (a) he encourages another person to deal in securities that are (whether or not that other knows it) price-affected securities in relation to the information, knowing or having reasonable cause to believe that the dealing would take place in the circumstances mentioned in [ss] (3); or (b) he discloses the information, otherwise than in the proper performance of the functions of his employment, office or profession, to another person. (3) The circumstances referred to above are that the acquisition or disposal in question occurs on a regulated market, or that the person dealing relies on a professional intermediary or is himself acting as a professional intermediary. (4) This [s] has effect subject to [s] 53.

S 53. **Defences.** (1) An individual is not guilty of insider dealing by virtue of dealing in securities if he shows (a) that he did not at the time expect the dealing to result in a profit attributable to the fact that the information in question was price-sensitive information in relation to the securities, or (b) that at the time he believed on reasonable grounds that the information had been disclosed widely enough to ensure that none of those taking part in the dealing would be prejudiced by not having the information, or (c) that he would have done what he did even if he had not had the information. (2) An individual is not guilty of insider dealing by virtue of encouraging another person to deal in securities if he shows (a) that he did not at the time expect the dealing to result in a profit attributable to the fact that the information in question was price-sensitive information in relation to the securities, or (b) that at the time he believed on reasonable grounds that the information had been or would be disclosed widely enough to ensure that none of those taking part in the dealing would be prejudiced by not having the information, or (c) that he would have done what he did even if he had not had the information. (3) An individual is not guilty of insider dealing by virtue of a disclosure of information if he shows (a) that he did not at the time expect any person, because of the disclosure, to deal in securities in the circumstances mentioned in [ss] (3) of [s] 52; or (b) that, although he had such an expectation at the time, he did not expect the dealing to result in a profit attributable to the fact that the information was price-sensitive information in relation to the securities. (4) [sch] 1 (*special defences*) shall have effect. (5) The Treasury may by order amend [Sch] 1. (6) In this [s] references to a profit include references to the avoidance of a loss.

S 54. **Securities to which Part V applies.** (1) This Part applies to any security which (a) falls within any [para] of [sch] 2; and (b) satisfies any conditions applying to it under an order made by the Treasury for the purposes of this [ss]; and in the provisions of this Part (other than that [Sch]) any reference to a security is a reference to a security to which this Part applies. (2) The Treasury may by order amend [sch] 2.

S 55. **“Dealing” in securities.** (1) For the purposes of this Part, a person deals in securities if (a) he acquires or disposes of the securities (whether as principal or agent); or (b) he procures, directly or indirectly, an acquisition or disposal of the securities by any other person. (2) For the purposes of this Part, “*acquire*”, in relation to a security, includes (a) agreeing to acquire the security; and (b) entering into a contract which creates the security. (3) For the purposes of this Part, “*dispose*”, in relation to a security, includes (a) agreeing to dispose of the security; and (b) bringing to an end a contract which created the security. (4) For the purposes of [ss] (1), a person procures an acquisition or disposal of a security if the security is acquired or disposed of by a person who is (a) his agent, (b) his nominee, or (c) a person who is acting at his direction, in relation to the acquisition or disposal. (5) [ss] (4) is not exhaustive as to the circumstances in which one person may be regarded as procuring an acquisition or disposal of securities by another.

S 56. **“Inside information”, etc.** (1) For the purposes of this [s] and [s] 57, “*inside information*” means information which (a) relates to particular securities or to a particular issuer of securities or to particular issuers of securities and not to securities generally or to issuers of securities generally; (b) is specific or precise; (c) has not been made public; and (d) if it were made public would be likely to have a significant effect on the price of any securities. (2) For the purposes of this Part, securities are “*price-affected securities*” in relation to inside information, and inside information is “*price-sensitive information*” in relation to securities, if and only if the information would, if made public, be likely to have a significant effect on the price of the securities. (3) For the purposes of this [s] “*price*” includes value.

S 57. **“Insiders”.** (1) For the purposes of this Part, a person has information as an insider if and only if (a) it is, and he knows that it is, inside information, and (b) he has it, and knows that he has it, from an inside source. (2) For the purposes of [ss] (1), a person has information from an inside source if and only if (a) he has it through (i) being a director, employee or shareholder of an issuer of securities; or (ii) having access to the information by virtue of his employment, office or profession; or (b) the direct or indirect source of his information is a person within [para] (a).

S 58. **Information “made public”.** (1) For the purposes of [s] 56, “*made public*”, in relation to information, shall be construed in accordance with the following provisions of this [s]; but those provisions are not exhaustive as to the meaning of that expression. (2) Information is made public if (a) it is published in accordance with the rules of a regulated market for the purpose of informing investors and their professional advisers; (b) it is contained in records which by virtue of any enactment are open to inspection by the public; (c) it can be readily acquired by those likely to deal in any securities (i) to which the information relates, or (ii) of an issuer to which the information relates; or (d) it is derived from information which has been made public. (3) Information may be treated as made public even though (a) it can be acquired only by persons

exercising diligence or expertise; (b) it is communicated to a section of the public and not to the public at large; (c) it can be acquired only by observation; (d) it is communicated only on payment of a fee; or (e) it is published only outside the [UK].

S 59. **“Professional intermediary”.** (1) For the purposes of this Part, a “*professional intermediary*” is a person (a) who carries on a business consisting of an activity mentioned in [ss] (2) and who holds himself out to the public or any [s] of the public (including a [s] of the public constituted by persons such as himself) as willing to engage in any such business; or (b) who is employed by a person falling within [para] (a) to carry out any such activity. (2) The activities referred to in [ss] (1) are (a) acquiring or disposing of securities (whether as principal or agent); or (b) acting as an intermediary between persons taking part in any dealing in securities. (3) A person is not to be treated as carrying on a business consisting of an activity mentioned in [ss] (2)(a) if the activity in question is merely incidental to some other activity not falling within [ss] (2); or (b) merely because he occasionally conducts one of those activities. (4) For the purposes of [s] 52, a person dealing in securities relies on a professional intermediary if and only if a person who is acting as a professional intermediary carries out an activity mentioned in [ss] (2) in relation to that dealing.

S 60. **Other interpretation provisions.** (1) For the purposes of this Part, “*regulated market*” means any market, however operated, which, by an order made by the Treasury, is identified (whether by name or by reference to criteria prescribed by the order) as a regulated market for the purposes of this Part. (2) For the purposes of this Part an “*issuer*”, in relation to any securities, means any company, public sector body or individual by which or by whom the securities have been or are to be issued. (3) For the purposes of this Part (a) “*company*” means any body (whether or not incorporated and wherever incorporated or constituted) which is not a public sector body; and (b) “*public sector body*” means (i) the government of the [UK], of [NI] or of any country or territory outside the [UK]; (ii) a local authority in the [UK] or elsewhere; (iii) any international organisation the members of which include the [UK] or another member state; (iv) the Bank of England; or (v) the central bank of any sovereign State. (4) For the purposes of this Part, information shall be treated as relating to an issuer of securities which is a company not only where it is about the company but also where it may affect the company’s business prospects.

S 61. **Penalties and prosecution.** (1) An individual guilty of insider dealing shall be liable (a) on [SC], to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding [6] months or to both; or (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding [10] years or to both. (2) Proceedings for offences under this Part shall not be instituted in [E&W] except by or with the consent of (a) the [SS]; or (b) the [DPP]. (3) In relation to proceedings in [NI] for offences under this Part, [ss] (2) shall have effect as if the reference to the [DPP] were a reference to the [DPP] for [NI].

S 61A. **Summary proceedings: venue and time limit for proceedings.** (1) Summary proceedings for an offence of insider dealing may (without prejudice to any jurisdiction exercisable apart from this [ss]) be brought against an individual at any place at which the individual is for the time being. (2) An information relating to an offence of insider dealing that is triable by a magistrates’ court in [E&W] may be so tried if it is laid (a) at any time within [3] years after the commission of the offence, and (b) within [12] months after the date on which evidence sufficient in the opinion of the [DPP] or the [SS] (as the case may be) to justify the proceedings comes to that person’s knowledge. (3) Summary proceedings in Scotland for an offence of insider dealing (a) must not be commenced after the expiration of [3] years from the commission of the offence; (b) subject to that, may be commenced at any time (i) within [12] months after the date on which evidence sufficient in the Lord Advocate’s opinion to justify the proceedings came to that person’s knowledge, or (ii) where such evidence was reported to the Lord Advocate by the Secretary of State, within [12] months after the date on which it came to the knowledge of the latter. [S] 136(3) of the Criminal Procedure (Scotland) Act 1995 (*date when proceedings deemed to be commenced*) applies for the purposes of this [ss] as for the purposes of that [s]. (4) A magistrates’ court in [NI] has jurisdiction to hear and determine a complaint charging the commission of a summary offence of insider dealing provided that the complaint is made (a) within [3] years from the time when the offence was committed, and (b) within [12] months from the date on which evidence sufficient in the opinion of the [DPP] for [NI] or the [SS] (as the case may be) to justify the proceedings comes to that person’s knowledge. (5) For the purposes of this [s] a certificate of the [DPP], the Lord Advocate, the [DPP] for [NI] or the [SS] (as the case may be) as to the date on which such evidence as is referred to above came to that person’s notice is conclusive evidence.

S 62. **Territorial scope of offence of insider dealing.** (1) An individual is not guilty of an offence falling within [ss] (1) of [s] 52 unless (a) he was within the [UK] at the time when he is alleged to have done any act constituting or forming part of the alleged dealing; (b) the regulated market on which the dealing is alleged to have occurred is one which, by an order made by the Treasury, is identified (whether by name or by reference to criteria prescribed by the order) as being, for the purposes of this Part, regulated in the [UK]; or (c) the professional intermediary was within the [UK] at the time when he is alleged to have done anything by means of which the offence is alleged to have been committed.

(2) An individual is not guilty of an offence falling within [ss] (2) of [s] 52 unless (a) he was within the [UK] at the time when he is alleged to have disclosed the information or encouraged the dealing; or (b) the alleged recipient of the information or encouragement was within the [UK] at the time when he is alleged to have received the information or encouragement.

S 63. **Limits on section 52.** (1) [S] 52 does not apply to anything done by an individual acting on behalf of a public sector body in pursuit of monetary policies or policies with respect to exchange rates or the management of public debt or foreign exchange reserves. (2) No contract shall be void or unenforceable by reason only of [s] 52.

S 64. **Orders.** (1) Any power under this Part to make an order shall be exercisable by [SI]. (2) No order shall be made under this Part unless a draft of it has been laid before and approved by a resolution of each House of Parliament. (3) An order under this Part (a) may make different provision for different cases; and (b) may contain such incidental, supplemental and transitional provisions as the Treasury consider expedient.**

Fraud Act 2006

S 1. **Fraud.** (1) A person is guilty of fraud if he is in breach of any of the sections listed in [ss] (2) (which provide for different ways of committing the offence). (2) The [s] are (a) [s] 2 (fraud by false representation), (b) [s] 3 (fraud by failing to disclose information), and (c) [s] 4 (fraud by abuse of position). (3) A person who is guilty of fraud is liable (a) on [SC], to imprisonment for a term not exceeding the general limit in a magistrates' court or to a fine not exceeding the statutory maximum (or to both); (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine (or to both). (4) [ss] (3)(a) applies in relation to [NI] as if the reference to 12 months were a reference to 6 months.

S 2. **Fraud by false representation.** (1) A person is in breach of this [s] if he (a) dishonestly makes a false representation, and (b) intends, by making the representation (i) to make a gain for himself or another, or (ii) to cause loss to another or to expose another to a risk of loss. (2) A representation is false if (a) it is untrue or misleading, and (b) the person making it knows that it is, or might be, untrue or misleading. (3) "Representation" means any representation as to fact or law, including a representation as to the state of mind of (a) the person making the representation, or (b) any other person. (4) A representation may be express or implied. (5) For the purposes of this [s] a representation may be regarded as made if it (or anything implying it) is submitted in any form to any system or device designed to receive, convey or respond to communications (with or without human intervention).

S 3. **Fraud by failing to disclose information.** A person is in breach of this [s] if he (a) dishonestly fails to disclose to another person information which he is under a legal duty to disclose, and (b) intends, by failing to disclose the information (i) to make a gain for himself or another, or (ii) to cause loss to another or to expose another to a risk of loss.

S 4. **Fraud by abuse of position.** (1) A person is in breach of this [s] if he (a) occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person, (b) dishonestly abuses that position, and (c) intends, by means of the abuse of that position (i) to make a gain for himself or another, or (ii) to cause loss to another or to expose another to a risk of loss. (2) A person may be regarded as having abused his position even though his conduct consisted of an omission rather than an act.

S 5. **"Gain" and "loss".** (1) The references to gain and loss in sections 2 to 4 are to be read in accordance with this [s]. (2) "Gain" and "loss" (a) extend only to gain or loss in money or other property; (b) include any such gain or loss whether temporary or permanent; and "property" means any property whether real or personal (including things in action and other intangible property). (3) "Gain" includes a gain by keeping what one has, as well as a gain by getting what one does not have. (4) "Loss" includes a loss by not getting what one might get, as well as a loss by parting with what one has.

S 6. **Possession etc. of articles for use in frauds.** (1) A person is guilty of an offence if he has in his possession or under his control any article for use in the course of or in connection with any fraud. (2) A person guilty of an offence under this [s] is liable (a) on [SC], to imprisonment for a term not exceeding the general limit in a magistrates' court or to a fine not exceeding the statutory maximum (or to both); (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine (or to both). (3) [ss] (2)(a) applies in relation to [NI] as if the reference to 12 months were a reference to 6 months.

S 7. **Making or supplying articles for use in frauds.** (1) A person is guilty of an offence if he makes, adapts, supplies or offers to supply any article (a) knowing that it is designed or adapted for use in the course of or in connection with fraud, or (b) intending it to be used to commit, or assist in the commission of, fraud. (2) A person guilty of an offence under this [s] is liable (a) on [SC], to imprisonment for a term not exceeding the general limit in a magistrates' court or to a fine not exceeding the statutory maximum (or to both); (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine (or to both). (3) [ss] (2)(a) applies in relation to [NI] as if the reference to 12 months were a reference to 6 months.

S 8. **"Article".** (1) For the purposes of (a) sections 6 and 7, and (b) the provisions listed in [ss] (2), so far as they relate to articles for use in the course of or in connection with fraud, "article" includes any program or data held in electronic form. (2) The provisions are (a) [s] 1(7)(b) of the Police and Criminal Evidence Act 1984 (c. 60), (b) [s] 2(8)(b) of the Armed Forces Act 2001 (c. 19), and (c) [Art] 3(7)(b) of the Police and Criminal Evidence ([NI]) Order 1989 (S.I. 1989/1341 (N.I. 12)); (*meaning of "prohibited articles" for the purposes of stop and search powers*).

S 9. **Participating in fraudulent business carried on by sole trader etc.** (1) A person is guilty of an offence if he is knowingly a party to the carrying on of a business to which this [s] applies. (2) This [s] applies to a business which is carried on (a) by a person who is outside the reach of [s] 993 of the Companies Act 2006 (*offence of fraudulent trading*), and (b) with intent to defraud creditors of any person or for any other fraudulent purpose. (3) The following are within the reach of that [s] (a) a company (as defined in [s] 1(1) of the Companies Act 2006); (b) a person to whom that [s] applies (with or without adaptations or modifications) as if the person were a company; (c) a person exempted from the application of that [s]. (5) "Fraudulent purpose" has the same meaning as in that [s]. (6) A person guilty of an offence under this [s] is liable (a) on [SC], to imprisonment for a term not exceeding the general limit in a magistrates' court or to a fine not exceeding the statutory maximum (or to both); (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine (or to both). (7) [Ss] (6)(a) applies in relation to [NI] as if the reference to 12 months were a reference to 6 months.

S 11. **Obtaining services dishonestly.** (1) A person is guilty of an offence under this [s] if he obtains services for himself or another (a) by a dishonest act, and (b) in breach of [ss] (2). (2) A person obtains services in breach of this [ss] if (a) they are made available on the basis that payment has been, is being or will be made for or in respect of them, (b) he obtains them without any payment having been made for or in respect of them or without payment having been made in full, and (c) when he obtains them, he knows (i) that they are being made available on the basis described in [para] (a), or (ii) that they might be, but intends that payment will not be made, or will not be made in full. (3) A person guilty of an offence under this [s] is liable (a) on [SC], to imprisonment for a term not exceeding the general limit in a magistrates' court or to a fine not

exceeding the statutory maximum (or to both); (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine (or to both). (4) [Ss] (3)(a) applies in relation to [NI] as if the reference to 12 months were a reference to 6 months.

S 12. Liability of company officers for offences by company. (1) [ss] (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, [ss] (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.***

S 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. (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.

Serious Crime Act 2007

S. 68. Disclosure of information to prevent fraud. (1) A public authority may, for the purposes of preventing fraud or a particular kind of fraud, disclose information as a member of a specified anti-fraud organisation or otherwise in accordance with any arrangements made by such an organisation. (2) The information (a) may be information of any kind; and (b) may be disclosed to the specified anti-fraud organisation, any members of it or any other person to whom disclosure is permitted by the arrangements concerned. (3) Disclosure under this [s] does not breach (a) any obligation of confidence owed by the public authority disclosing the information; or (b) any other restriction on the disclosure of information (however imposed). (4) But nothing in this [s] authorises any disclosure of information which (a) contravenes the data protection legislation; or (b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016. (7) This [s] does not limit the circumstances in which information may be disclosed apart from this [s]. (8) In this [s] “*an anti-fraud organisation*” means any unincorporated association, body corporate or other person which enables or facilitates any sharing of information to prevent fraud or a particular kind of fraud or which has any of these functions as its purpose or one of its purposes; “*the data protection legislation*” has the same meaning as in the Data Protection Act 2018 (see [s]3 of that Act). “*information*” includes documents; “*public authority*” means any public authority within the meaning of [s] 6 of the Human Rights Act 1998 (c. 42) (*acts of public authorities*); and “*specified*” means specified by an order made by the [SS].

S. 69. Offence for certain further disclosures of information. (1) A person (“B”) commits an offence, subject as follows, if (a) B discloses protected information which has been disclosed by a public authority (i) as a result of the public authority being a member of a specified anti-fraud organisation; or (ii) otherwise in accordance with any arrangements made by such an organisation; (b) the information (i) has been so disclosed by the public authority to B; or (ii) has come into B’s possession as a result (whether directly or indirectly) of such a disclosure by the public authority to another person; and (c) B knows or suspects, or has reasonable grounds for suspecting, that the information is information of the kind mentioned in [paras] (a) and (b). (2) [ss] (1) does not apply to a disclosure made by B (a) where B is acting (whether as an employee or otherwise) on behalf of the person to whom the information was disclosed by the public authority concerned and the disclosure by B is to another person acting (whether as an employee or otherwise) on behalf of that person; (b) for the purposes of the detection, investigation or prosecution of an offence in the [UK]; (c) with the consent of the public authority concerned; or (d) in pursuance of an assimilated obligation or a duty imposed by an enactment; but it does apply to a disclosure made by B which does not fall within [paras] (a) to (d) above but which (but for the offence) would have been permitted by a power conferred by an enactment. (4) It is a defence for a person charged with an offence under this section to prove that the person reasonably believed (a) that the disclosure was lawful; or (b) that the information had already and lawfully been made available to the public. (5) In this [s] “*protected information*” means (a) any revenue and customs information disclosed by Revenue and Customs and revealing the identity of the person to whom it relates; or (b) any specified information disclosed by a specified public authority. (6) For the purposes of this [s](a) “*revenue and customs information*” means information about, acquired as a result of or held in connection with the exercise of a function of the Commissioners of Revenue and Customs or an officer of Revenue and Customs in respect of a person; (b) revenue and customs information reveals a person’s identity if (i) it specifies his identity; or (ii) his identity can be deduced from it; and (c) revenue and customs information relates to a person if he is the person in respect of whom the function mentioned in para[] (a) is exercised. (7) In this [s] “*Commissioners of Revenue and Customs*” means Commissioners for [HMs] Revenue and Customs; “*enactment*” has the same meaning as in [s] 14; “*public authority*” has the same meaning as in [s] 68; “*Revenue and Customs*” means (a) the Commissioners of Revenue and Customs; (b) an officer of Revenue and Customs; or (c) a person acting on behalf of the Commissioners or an officer of Revenue and Customs; “*specified anti-fraud organisation*” means any person which is a specified anti-fraud organisation for the purposes of [s] 68; “*specified information*” means information specified or described in an order made by the [SS]; and “*specified public authority*” means a public authority specified or described in an order made by the [SS].

S 70. Penalty and prosecution for offence under [s] 69. (1) A person who commits an offence under [s] 69 is liable (a) on [SC] to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both; (b) on conviction on indictment, to imprisonment for a term not exceeding [2] years or to a fine or to both. (2) A prosecution for an offence under [s] 69 may be begun in [E&W] only by or with the consent of the [DPP]. (3) A prosecution for an offence under [s] 69 may be begun in [NI] only (a) in the case of revenue and

customs information disclosed by Revenue and Customs (i) by the Commissioners of Revenue and Customs; or (ii) with the consent of the [DPP] for [NI]; and (b) in any other case, with the consent of the [DPP] for [NI]. (4) *If an offence under [s] 69 committed by a body corporate or a partnership is proved to have been committed with the consent or connivance of (a) an officer of the body corporate or (as the case may be) a partner or a senior officer of the partnership; or (b) a person who was purporting to act in any such capacity; he (as well as the body corporate or partnership) is guilty of the offence and liable to be proceeded against and punished accordingly.* (5) In the application of [ss] (1)(a) in [NI], the reference to 12 months is to be read as a reference to 6 months. (5A) In the application of [ss] (1)(a) in [E&W], the reference to 12 months is to be read as a reference to the general limit in a magistrates' court subject to [para] 8 of [sch] 13. (6) In this [s] "body corporate" includes a limited liability partnership; "Commissioners of Revenue and Customs", "Revenue and Customs" and "revenue and customs information" have the same meaning as in [s] 69; "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate; "officer of a body corporate" means any director, manager, secretary or other similar officer of the body corporate; and "senior officer of a partnership" means any person who has the control or management of the business carried on by the partnership at the principal place where it is carried on. **

S 71. Code of practice for disclosure of information to prevent fraud. (1) The [SS] must prepare, and keep under review, a code of practice with respect to the disclosure, for the purposes of preventing fraud or a particular kind of fraud, of information by public authorities as members of specified anti-fraud organisations or otherwise in accordance with any arrangements made by such organisations. (2) Before preparing or altering the code, the [SS] must consult (a) any specified anti-fraud organisation; (b) the Information Commissioner; and (c) such other persons as the [SS] considers appropriate. (3) A public authority must have regard to the code in (or in connection with) disclosing information, for the purposes of preventing fraud or a particular kind of fraud, as a member of a specified anti-fraud organisation or otherwise in accordance with any arrangements made by such an organisation. (5) The [SS] must (a) lay a copy of the code, and of any alterations to it, before Parliament; and (b) from time to time publish the code as for the time being in force. (6) In this [s] "information" and "public authority" have the same meaning as in [s] 68; "relevant public authority" has the meaning given by [s] 68(6); and "specified anti-fraud organisation" means any person which is a specified anti-fraud organisation for the purposes of [s] 68. **Note:** S 72. Data protection rules (amends).

Bribery Act 2010

S 1. Offences of bribing another person. (1) A person ("P") is guilty of an offence if either of the following cases applies. (2) Case 1 is where (a) P offers, promises or gives a financial or other advantage to another person, and (b) P intends the advantage (i) to induce a person to perform improperly a relevant function or activity, or (ii) to reward a person for the improper performance of such a function or activity. (3) Case 2 is where (a) P offers, promises or gives a financial or other advantage to another person, and (b) P knows or believes that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity. (4) In case 1 it does not matter whether the person to whom the advantage is offered, promised or given is the same person as the person who is to perform, or has performed, the function or activity concerned. (5) In cases 1 and 2 it does not matter whether the advantage is offered, promised or given by P directly or through a third party.

S 2. Offences relating to being bribed. (1) A person ("R") is guilty of an offence if any of the following cases applies. (2) Case 3 is where R requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly (whether by R or another person). (3) Case 4 is where (a) R requests, agrees to receive or accepts a financial or other advantage, and (b) the request, agreement or acceptance itself constitutes the improper performance by R of a relevant function or activity. (4) Case 5 is where R requests, agrees to receive or accepts a financial or other advantage as a reward for the improper performance (whether by R or another person) of a relevant function or activity. (5) Case 6 is where, in anticipation of or in consequence of R requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly (a) by R, or (b) by another person at R's request or with R's assent or acquiescence. (6) In cases 3 to 6 it does not matter (a) whether R requests, agrees to receive or accepts (or is to request, agree to receive or accept) the advantage directly or through a third party, (b) whether the advantage is (or is to be) for the benefit of R or another person. (7) In cases 4 to 6 it does not matter whether R knows or believes that the performance of the function or activity is improper. (8) In case 6, where a person other than R is performing the function or activity, it also does not matter whether that person knows or believes that the performance of the function or activity is improper.

S 3. Function or activity to which bribe relates. (1) For the purposes of this Act a function or activity is a relevant function or activity if (a) it falls within [ss] (2), and (b) meets one or more of conditions A to C. (2) The following functions and activities fall within this [ss] (a) any function of a public nature, (b) any activity connected with a business, (c) any activity performed in the course of a person's employment, (d) any activity performed by or on behalf of a body of persons (whether corporate or unincorporate). (3) Condition A is that a person performing the function or activity is expected to perform it in good faith. (4) Condition B is that a person performing the function or activity is expected to perform it impartially. (5) Condition C is that a person performing the function or activity is in a position of trust by virtue of performing it. (6) A function or activity is a relevant function or activity even if it (a) has no connection with the [UK], and (b) is performed in a country or territory outside the [UK]. (7) In this [s] "business" includes trade or profession.

S 4. Improper performance to which bribe relates. (1) For the purposes of this Act a relevant function or activity (a) is performed improperly if it is performed in breach of a relevant expectation, and (b) is to be treated as being performed improperly if there is a failure to perform the function or activity and that failure is itself a breach of a relevant expectation. (2) In [ss] (1) "relevant expectation" (a) in relation to a function or activity which meets condition A or B, means the expectation mentioned in the condition concerned, and (b) in relation to a function or activity which meets condition C, means any expectation as to the manner in which, or the reasons for which, the function or activity will be performed that arises from the position of trust mentioned in that condition. (3) Anything that a person does (or omits to do) arising from or in connection

with that person's past performance of a relevant function or activity is to be treated for the purposes of this Act as being done (or omitted) by that person in the performance of that function or activity.

S 5. Expectation test. (1) For the purposes of sections 3 and 4, the test of what is expected is a test of what a reasonable person in the [UK] would expect in relation to the performance of the type of function or activity concerned. (2) In deciding what such a person would expect in relation to the performance of a function or activity where the performance is not subject to the law of any part of the [UK], any local custom or practice is to be disregarded unless it is permitted or required by the written law applicable to the country or territory concerned. (3) In [ss] (2) “written law” means law contained in (a) any written constitution, or provision made by or under legislation, applicable to the country or territory concerned, or (b) any judicial decision which is so applicable and is evidenced in published written sources.

S 6. Bribery of foreign public officials. (1) A person (“P”) who bribes a foreign public official (“F”) is guilty of an offence if P's intention is to influence F in F's capacity as a foreign public official. (2) P must also intend to obtain or retain (a) business, or (b) an advantage in the conduct of business. (3) P bribes F if, and only if (a) directly or through a third party, P offers, promises or gives any financial or other advantage (i) to F, or (ii) to another person at F's request or with F's assent or acquiescence, and (b) F is neither permitted nor required by the written law applicable to F to be influenced in F's capacity as a foreign public official by the offer, promise or gift. (4) References in this section to influencing F in F's capacity as a foreign public official mean influencing F in the performance of F's functions as such an official, which includes (a) any omission to exercise those functions, and (b) any use of F's position as such an official, even if not within F's authority. (5) “Foreign public official” means an individual who (a) holds a legislative, administrative or judicial position of any kind, whether appointed or elected, of a country or territory outside the [UK] (or any subdivision of such a country or territory), (b) exercises a public function (i) for or on behalf of a country or territory outside the [UK] (or any subdivision of such a country or territory), or (ii) for any public agency or public enterprise of that country or territory (or subdivision), or (c) is an official or agent of a public international organisation. (6) “Public international organisation” means an organisation whose members are any of the following (a) countries or territories, (b) governments of countries or territories, (c) other public international organisations, (d) a mixture of any of the above. (7) For the purposes of [ss] (3)(b), the written law applicable to F is (a) where the performance of the functions of F which P intends to influence would be subject to the law of any part of the [UK], the law of that part of the [UK], (b) where [para] (a) does not apply and F is an official or agent of a public international organisation, the applicable written rules of that organisation, (c) where [pars] (a) and (b) do not apply, the law of the country or territory in relation to which F is a foreign public official so far as that law is contained in (i) any written constitution, or provision made by or under legislation, applicable to the country or territory concerned, or (ii) any judicial decision which is so applicable and is evidenced in published written sources. (8) For the purposes of this [s], a trade or profession is a business.

S 7. Failure of commercial organisations to prevent bribery. (1) A relevant commercial organisation (“C”) is guilty of an offence under this [s] if a person (“A”) associated with C bribes another person intending (a) to obtain or retain business for C, or (b) to obtain or retain an advantage in the conduct of business for C. (2) But it is a defence for C to prove that C had in place adequate procedures designed to prevent persons associated with C from undertaking such conduct. (3) For the purposes of this [s], A bribes another person if, and only if, A (a) is, or would be, guilty of an offence under [s] 1 or 6 (whether or not A has been prosecuted for such an offence), or (b) would be guilty of such an offence if [s] 12(2)(c) and (4) were omitted. (4) See [s] 8 for the meaning of a person associated with C and see [s] 9 for a duty on the [SS] to publish guidance. (5) In this [s] “partnership” means (a) a partnership within the Partnership Act 1890, or (b) a limited partnership registered under the Limited Partnerships Act 1907, or a firm or entity of a similar character formed under the law of a country or territory outside the [UK], “relevant commercial organisation” means (a) a body which is incorporated under the law of any part of the [UK] and which carries on a business (whether there or elsewhere), (b) any other body corporate (wherever incorporated) which carries on a business, or part of a business, in any part of the [UK], (c) a partnership which is formed under the law of any part of the [UK] and which carries on a business (whether there or elsewhere), or (d) any other partnership (wherever formed) which carries on a business, or part of a business, in any part of the [UK], and, for the purposes of this [s], a trade or profession is a business.

S 8. Meaning of associated person. (1) For the purposes of [s] 7, a person (“A”) is associated with C if (disregarding any bribe under consideration) A is a person who performs services for or on behalf of C. (2) The capacity in which A performs services for or on behalf of C does not matter. (3) Accordingly A may (for example) be C's employee, agent or subsidiary. (4) Whether or not A is a person who performs services for or on behalf of C is to be determined by reference to all the relevant circumstances and not merely by reference to the nature of the relationship between A and C. (5) But if A is an employee of C, it is to be presumed unless the contrary is shown that A is a person who performs services for or on behalf of C.

S 9. Guidance about commercial organisations preventing bribery. (1) The [SS] must publish guidance about procedures that relevant commercial organisations can put in place to prevent persons associated with them from bribing as mentioned in [s] 7(1). (2) The [SS] may, from time to time, publish revisions to guidance under this section or revised guidance. (3) The [SS] must consult the Scottish Ministers and the Department of Justice in [NI] before publishing anything under this [s]. (4) Publication under this [s] is to be in such manner as the [SS] considers appropriate. (5) Expressions used in this [s] have the same meaning as in [s] 7.

S 10. Consent to prosecution. (1) No proceedings for an offence under this Act may be instituted in [E&W] except by or with the consent of (a) the [DPP], or (b) the Director of the [SFO] (2) No proceedings for an offence under this Act may be instituted in [NI] except by or with the consent of (a) the [DPP] for [NI], or (b) the Director of the [SFO]. (3) No proceedings for an offence under this Act may be instituted in [E&W] or [NI] by a person (a) who is acting (i) under the direction or instruction of the [DPP] or the Director of the [SFO], or (ii) on behalf of such a Director, or (b) to whom such a function has been assigned by such a Director, except with the consent of the Director concerned to the institution of the proceedings. (4) The [DPP] and the Director of the [SFO] must exercise personally any function under [ss] (1), (2) or (3) of

giving consent. (5) The only exception is if (a) the Director concerned is unavailable, and (b) there is another person who is designated in writing by the Director acting personally as the person who is authorised to exercise any such function when the Director is unavailable. (6) In that case, the other person may exercise the function but must do so personally. (7) [ss] (4) to (6) apply instead of any other provisions which would otherwise have enabled any function of the [DPP] or the Director of the [SFO] under [ss] (1), (2) or (3) of giving consent to be exercised by a person other than the Director concerned. (8) No proceedings for an offence under this Act may be instituted in [NI] by virtue of [s] 36 of the Justice ([NI]) Act 2002 (delegation of the functions of the [DPP] for [NI] to persons other than the Deputy Director) except with the consent of the [DPP] for [NI] to the institution of the proceedings. (9) The [DPP] for [NI] must exercise personally any function under [ss] (2) or (8) of giving consent unless the function is exercised personally by the Deputy [DPP] for [NI] by virtue of [s] 30(4) or (7) of the Act of 2002 (powers of Deputy Director to exercise functions of Director). (10) [ss] (9) applies instead of [s] 36 of the Act of 2002 in relation to the functions of the [DPP] for [NI] and the Deputy [DPP] for [NI] under, or (as the case may be) by virtue of, [ss] (2) and (8) above of giving consent. ***

S 11. **Penalties.** (1) An individual guilty of an offence under [s] 1, 2 or 6 is liable (a) on [SC] to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both, (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years, or to a fine, or to both. (1A) In the application of this [s] in [E&W], the reference in [ss] (1)(a) to 12 months is to be read as a reference to the general limit in a magistrates' court (or to 6 months in relation to an offence committed before 2 May 2022). (2) Any other person guilty of an offence under [s] 1, 2 or 6 is liable (a) on [SC], to a fine not exceeding the statutory maximum, (b) on conviction on indictment, to a fine. (3) A person guilty of an offence under [s] 7 is liable on conviction on indictment to a fine. (4) The reference in [ss] (1)(a) to 12 months is to be read (b) in its application to [NI].

S 12. **Offences under this Act: territorial application.** (1) An offence is committed under [s] 1, 2 or 6 in [E&W], Scotland or [NI] if any act or omission which forms part of the offence takes place in that part of the [UK]. (2) [ss] (3) applies if (a) no act or omission which forms part of an offence under [s] 1, 2 or 6 takes place in the [UK], (b) a person's acts or omissions done or made outside the [UK] would form part of such an offence if done or made in the [UK], and (c) that person has a close connection with the [UK]. (3) In such a case (a) the acts or omissions form part of the offence referred to in [ss] (2)(a), and (b) proceedings for the offence may be taken at any place in the [UK]. (4) For the purposes of subsection (2)(c) a person has a close connection with the [UK] if, and only if, the person was one of the following at the time the acts or omissions concerned were done or made (a) a British citizen, (b) a British overseas territories citizen, (c) a British National (Overseas), (d) a British Overseas citizen, (e) a person who under the British Nationality Act 1981 was a British subject, (f) a British protected person within the meaning of that Act, (g) an individual ordinarily resident in the [UK], (h) a body incorporated under the law of any part of the [UK], (i) a Scottish partnership. (5) An offence is committed under [s] 7 irrespective of whether the acts or omissions which form part of the offence take place in the [UK] or elsewhere. (6) Where no act or omission which forms part of an offence under [s] 7 takes place in the [UK], proceedings for the offence may be taken at any place in the [UK]. (7) [ss] (8) applies if, by virtue of this [s], proceedings for an offence are to be taken in Scotland against a person. (8) Such proceedings may be taken (a) in any sheriff court district in which the person is apprehended or in custody, or (b) in such sheriff court district as the Lord Advocate may determine. (9) In [ss] (8) "sheriff court district" is to be read in accordance with [s] 307(1) of the Criminal Procedure (Scotland) Act 1995.

S 13. **Defence for certain bribery offences etc.** (1) It is a defence for a person charged with a relevant bribery offence to prove that the person's conduct was necessary for (a) the proper exercise of any function of an intelligence service, or (b) the proper exercise of any function of the armed forces when engaged on active service. (2) The head of each intelligence service must ensure that the service has in place arrangements designed to ensure that any conduct of a member of the service which would otherwise be a relevant bribery offence is necessary for a purpose falling within [ss] (1)(a). (3) The Defence Council must ensure that the armed forces have in place arrangements designed to ensure that any conduct of (a) a member of the armed forces who is engaged on active service, or (b) a civilian subject to service discipline when working in support of any person falling within [para] (a), which would otherwise be a relevant bribery offence is necessary for a purpose falling within [ss] (1)(b). (4) The arrangements which are in place by virtue of [ss](2) or (3) must be arrangements which the [SS] considers to be satisfactory. (5) For the purposes of this [s], the circumstances in which a person's conduct is necessary for a purpose falling within [ss] (1)(a) or (b) are to be treated as including any circumstances in which the person's conduct (a) would otherwise be an offence under [s] 2, and (b) involves conduct by another person which, but for [ss](1)(a) or (b), would be an offence under [s] 1. (6) In this [s] "active service" means service in (a) an action or operation against an enemy, (b) an operation outside the British Islands for the protection of life or property, or (c) the military occupation of a foreign country or territory, "armed forces" means [HMs] forces (within the meaning of the Armed Forces Act 2006), "civilian subject to service discipline" and "enemy" have the same meaning as in the Act of 2006, "GCHQ" has the meaning given by [s] 3(3) of the Intelligence Services Act 1994, "head" means (a) in relation to the Security Service, the Director General of the Security Service, (b) in relation to the Secret Intelligence Service, the Chief of the Secret Intelligence Service, and (c) in relation to GCHQ, the Director of GCHQ, "intelligence service" means the Security Service, the Secret Intelligence Service or GCHQ, "relevant bribery offence" means (a) an offence under [s] 1 which would not also be an offence under [s] 6, (b) an offence under [s] 2, (c) an offence committed by aiding, abetting, counselling or procuring the commission of an offence falling within [para] (a) or (b), (d) an offence of attempting or conspiring to commit, or of inciting the commission of, an offence falling within [para] (a) or (b), or (e) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to an offence falling within [para] (a) or (b).

S 14. **Offences under sections 1, 2 and 6 by bodies corporate etc.** (1) This [s] applies if an offence under [s] 1, 2 or 6 is committed by a body corporate or a Scottish partnership. (2) If the offence is proved to have been committed with the consent or connivance of (a) a senior officer of the body corporate or Scottish partnership, or (b) a person purporting to act in such a capacity, the senior officer or person (as well as the body corporate or partnership) is guilty of the offence and liable to be proceeded against and punished accordingly. (3) But [ss] (2) does not apply, in

*the case of an offence which is committed under [s] 1, 2 or 6 by virtue of [s] 12(2) to (4), to a senior officer or person purporting to act in such a capacity unless the senior officer or person has a close connection with the [UK] (within the meaning given by [s] 12(4)). (4) In this [s] "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate, "senior officer" means (a) in relation to a body corporate, a director, manager, secretary or other similar officer of the body corporate, and (b) in relation to a Scottish partnership, a partner in the partnership. ****

S 15. Offences under section 7 by partnerships. (1) Proceedings for an offence under [s] 7 alleged to have been committed by a partnership must be brought in the name of the partnership (and not in that of any of the partners). (2) For the purposes of such proceedings (a) rules of court relating to the service of documents have effect as if the partnership were a body corporate, and (b) the following provisions apply as they apply in relation to a body corporate (i) [s] 33 of the Criminal Justice Act 1925 and [sch] 3 to the Magistrates' Courts Act 1980, (ii) [s] 18 of the Criminal Justice Act ([NI]) 1945 (c. 15 (N.I.)) and [sch] 4 to the Magistrates' Courts ([NI]) Order 1981 (S.I. 1981/1675 (N.I.26)), (iii) section 70 of the Criminal Procedure (Scotland) Act 1995. (3) A fine imposed on the partnership on its conviction for an offence under [s] 7 is to be paid out of the partnership assets. (4) In this [s] "partnership" has the same meaning as in [s] 7. ***

S 16. **Application to Crown.** This Act applies to individuals in the public service of the Crown as it applies to other individuals

Criminal Finances Act 2017

S 44. Meaning of relevant body and acting in the capacity of an associated person. (1) This [s] defines expressions used in this Part. (2) "Relevant body" means a body corporate or partnership (wherever incorporated or formed). (3) "Partnership" means (a) a partnership within the meaning of the Partnership Act 1890, or (b) a limited partnership registered under the Limited Partnerships Act 1907, or a firm or entity of a similar character formed under the law of a foreign country. (4) A person (P) acts in the capacity of a person associated with a relevant body (B) if P is (a) an employee of B who is acting in the capacity of an employee, (b) an agent of B (other than an employee) who is acting in the capacity of an agent, or (c) any other person who performs services for or on behalf of B who is acting in the capacity of a person performing such services. (5) For the purposes of [ss] (4)(c) the question whether or not P is a person who provides services for or on behalf of B is to be determined by reference to all the relevant circumstances and not merely by reference to the nature of the relationship between P and B. ***

S 45. Failure to prevent facilitation of UK tax evasion offences. (1) A relevant body (B) is guilty of an offence if a person commits a UK tax evasion facilitation offence when acting in the capacity of a person associated with B. (2) It is a defence for B to prove that, when the UK tax evasion facilitation offence was committed (a) B had in place such prevention procedures as it was reasonable in all the circumstances to expect B to have in place, or (b) it was not reasonable in all the circumstances to expect B to have any prevention procedures in place. (3) In [ss] (2) "prevention procedures" means procedures designed to prevent persons acting in the capacity of a person associated with B from committing UK tax evasion facilitation offences. (4) In this Part "UK tax evasion offence" means (a) an offence of cheating the public revenue, or (b) an offence under the law of any part of the [UK] consisting of being knowingly concerned in, or in taking steps with a view to, the fraudulent evasion of a tax. (5) In this Part "UK tax evasion facilitation offence" means an offence under the law of any part of the [UK] consisting of (a) being knowingly concerned in, or in taking steps with a view to, the fraudulent evasion of a tax by another person, (b) aiding, abetting, counselling or procuring the commission of a UK tax evasion offence, or (c) being involved in and part in the commission of an offence consisting of being knowingly concerned in, or in taking steps with a view to, the fraudulent evasion of a tax. (6) Conduct carried out with a view to the fraudulent evasion of tax by another person is not to be regarded as a UK tax evasion facilitation offence by virtue of [ss] (5)(a) unless the other person has committed a UK tax evasion offence facilitated by that conduct. (7) For the purposes of this [s] "tax" means a tax imposed under the law of any part of the [UK], including national insurance contributions under (a) Part 1 of the Social Security Contributions and Benefits Act 1992, or (b) Part 1 of the Social Security Contributions and Benefits ([NI]) Act 1992. (8) A relevant body guilty of an offence under this [s] is liable (a) on conviction on indictment, to a fine; (b) on [SC] in [E&W], to a fine; (c) on [SC] in Scotland or [NI], to a fine not exceeding the statutory maximum.

S 46. Failure to prevent facilitation of foreign tax evasion offences. (1) A relevant body (B) is guilty of an offence if at any time (a) a person commits a foreign tax evasion facilitation offence when acting in the capacity of a person associated with B, and (b) any of the conditions in [ss] (2) is satisfied. (2) The conditions are (a) that B is a body incorporated, or a partnership formed, under the law of any part of the [UK]; (b) that B carries on business or part of a business in the [UK]; (c) that any conduct constituting part of the foreign tax evasion facilitation offence takes place in the [UK]; and in [para] (b) "business" includes an undertaking. (3) It is a defence for B to prove that, when the foreign tax evasion facilitation offence was committed (a) B had in place such prevention procedures as it was reasonable in all the circumstances to expect B to have in place, or (b) it was not reasonable in all the circumstances to expect B to have any prevention procedures in place. (4) In [ss] (3) "prevention procedures" means procedures designed to prevent persons acting in the capacity of a person associated with B from committing foreign tax evasion facilitation offences under the law of the foreign country concerned. (5) In this Part "foreign tax evasion offence" means conduct which (a) amounts to an offence under the law of a foreign country, (b) relates to a breach of a duty relating to a tax imposed under the law of that country, and (c) would be regarded by the courts of any part of the [UK] as amounting to being knowingly concerned in, or in taking steps with a view to, the fraudulent evasion of that tax. (6) In this Part "foreign tax evasion facilitation offence" means conduct which (a) amounts to an offence under the law of a foreign country, (b) relates to the commission by another person of a foreign tax evasion offence under that law, and (c) would, if the foreign tax evasion offence were a UK tax evasion offence, amount to a UK tax evasion facilitation offence (see [s] 45(5) and (6)). (7) A relevant body guilty of an offence under this [s] is liable (a) on conviction on indictment, to a fine; (b) on summary conviction in [E&W], to a fine; (c) on [SC] in Scotland or [NI], to a fine not exceeding the statutory maximum.

S. 47. Guidance about preventing facilitation of tax evasion offences. (1) The Chancellor of the Exchequer ("the Chancellor") must prepare and publish guidance about procedures that relevant bodies can put in place to prevent persons acting in the capacity of an associated person from

committing UK tax evasion facilitation offences or foreign tax evasion facilitation offences. (2) The Chancellor may from time to time prepare and publish new or revised guidance to add to or replace existing guidance published by the Chancellor under this [s]. (3) The Chancellor must consult the Scottish Ministers, the Welsh Ministers and the Department of Justice in [NI] when preparing any guidance to be published under this [s]. (4) Guidance prepared and published under this section does not come into operation except in accordance with regulations made by the Chancellor by [SI]. (5) A [SI] containing such regulations is subject to annulment in pursuance of a resolution of either House of Parliament. (6) Where for the purposes of [ss] (5) a copy of a [SI] containing such regulations is laid before Parliament the Chancellor must also lay a copy of the guidance to which the regulations relate. (7) The Chancellor may approve guidance prepared by any other person if it relates to any matters within the scope of [ss] (1). (8) Approval under [ss] (7) (a) must be given in writing, and (b) may only be given on the condition that the person who prepared it publishes the approved guidance while it remains in operation as approved guidance. (9) The Chancellor may withdraw approval under [ss] (7) by a notice given to the person who prepared the guidance.

S. 48. **Offences: extra-territorial application and jurisdiction.** (1) It is immaterial for the purposes of [s] 45 or 46 (except to the extent provided by [s] 46(2)) whether (a) any relevant conduct of a relevant body, or (b) any conduct which constitutes part of a relevant UK tax evasion facilitation offence or foreign tax evasion facilitation offence, or (c) any conduct which constitutes part of a relevant UK tax evasion offence or foreign tax evasion offence, takes place in the [UK] or elsewhere. (2) Proceedings for an offence under [s] 45 or 46 may be taken in any place in the [UK]. (3) If by virtue of [ss] (2) proceedings for an offence are to be taken in Scotland, they may be taken in such sheriff court district as the Lord Advocate may determine. (4) In [ss] (3) “*sheriff court district*” is to be read in accordance with [s] 307(1) of the Criminal Procedure (Scotland) Act 1995.

S 49. **Consent to prosecution under [s] 46.** (1) In this [s] “*proceedings*” means proceedings for an offence under [s] 46. (2) No proceedings may be instituted in [E&W] except by or with the consent of the [DPP] or the Director of the [SFO]. (3) No proceedings may be instituted in [NI] except by or with the consent of the [DPP] for [NI] or the Director of the [SFO]. (4) The [DPP] and the Director of the [SFO] must each exercise any function of giving consent under [ss] (2) or (3) personally unless (a) the Director concerned is unavailable, and (b) there is another person designated in writing by the Director concerned acting personally as the person who is authorised to exercise the function when the Director is unavailable. (5) In that case the other person may exercise the function but must do so personally. (6) No proceedings may be instituted in [NI] by virtue of [s] 36 of the Justice ([NI] Act 2002 (delegation of functions of the DPP for [NI] to persons other than the Deputy Director) except with the consent of the [DPP] for [NI] to the institution of the proceedings. (7) The [DPP] for [NI] must exercise personally any function of giving consent under [ss] (3) or (6) unless the function is exercised personally by the Deputy [DPP] for [NI] by virtue of [s] 30(4) or (7) of that Act.**

S 50. **Offences by partnerships: supplementary.** (1) Proceedings for an offence under [s] 45 or 46 alleged to have been committed by a partnership must be brought in the name of the partnership (and not in the name of any of the partners). (2) For the purposes of such proceedings (a) rules of court relating to the service of documents have effect as if the partnership were a body corporate, and (b) the following provisions (which concern procedure in relation to offences by bodies corporate) apply as they apply to a body corporate (i) [s] 33 of the Criminal Justice Act 1925 and [sch] 3 to the Magistrates' Courts Act 1980, and (ii) [s] 18 of the Criminal Justice Act ([NI] 1945 (c. 15 (N.I.)) and [sch] 4 to the Magistrates' Courts (NI) Order 1981 (S.I. 1981/1675 (N.I. 26)). (3) A fine imposed on a partnership on its conviction for an offence under [s] 45 or 46 is to be paid out of the partnership assets. ***

S 52. **Interpretation of Part 3.** (1) In this Part “*conduct*” includes acts and omissions; “*foreign country*” means a country or territory outside the [UK]; “*foreign tax evasion facilitation offence*” has the meaning given by [s] 46(6); “*foreign tax evasion offence*” has the meaning given by [s] 46(5); “*partnership*” has the meaning given by [s] 44(3); “*relevant body*” has the meaning given by [s] 44(2); “*tax*” includes duty and any other form of taxation (however described); “*UK tax evasion facilitation offence*” has the meaning given by [s] 45(5) and (6); “*UK tax evasion offence*” has the meaning given by [s] 45(4). (2) References in this Part to a person acting in the capacity of a person associated with a relevant body are to be construed in accordance with [s] 44(4).

Prevention of Social Housing Fraud 2013

S 1. **Unlawful sub-letting: secure tenancies** (1) A tenant of a dwelling-house in England let under a secure tenancy commits an offence if (a) in breach of an express or implied term of the tenancy, the tenant sub-lets or parts with possession of (i) the whole of the dwelling-house, or (ii) part of the dwelling-house without the landlord's written consent, (b) the tenant ceases to occupy the dwelling-house as the tenant's only or principal home, and (c) the tenant knows that the conduct described in [para] (a) is a breach of a term of the tenancy. (2) A tenant of a dwelling-house let under a secure tenancy commits an offence if (a) dishonestly and in breach of an express or implied term of the tenancy, the tenant sub-lets or parts with possession of (i) the whole of the dwelling-house, or (ii) part of the dwelling-house without the landlord's written consent, and (b) the tenant ceases to occupy the dwelling-house as the tenant's only or principal home. (3) The offence under [ss] (1) is not committed where the tenant takes the action described in [paras] (a) and (b) of that subsection because of violence or threats of violence by a person residing in, or in the locality of, the dwelling-house (a) towards the tenant, or (b) towards a member of the family of the tenant who was residing with the tenant immediately before the tenant ceased to occupy the dwelling-house. (4) The offence under [ss] (1) is not committed if a person (“P”) who occupies the dwelling-house as a result of the conduct described in [ss] (1)(a) is (a) a person entitled to apply to the court for an order giving P a right to occupy the dwelling-house or to have the tenancy transferred to P, or (b) a person in respect of whom an application may be made to have the tenancy transferred to P or to another person to be held for P's benefit. (5) A person convicted of an offence under [ss] (1) is liable on [SC] to a fine not exceeding level 5 [f]. (6) A person convicted of an offence under [ss] (2) is liable (a) on [SC], to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both); (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

S 2. **Unlawful sub-letting: assured tenancies and secure contracts.** (1) A tenant of a dwelling-house let under an assured tenancy or a secure contract to which this section applies commits an offence if (a) in breach of an express or implied term of the tenancy, the tenant sub-lets or parts with possession of the whole or part of the dwelling-house, (b) the tenant ceases to occupy the dwelling-house as the tenant's only or principal home, and (c) the tenant knows that the conduct described in [para] (a) is a breach of a term of the tenancy. (2) A tenant of a dwelling-house let under an assured tenancy or a secure contract to which this [s] applies commits an offence if (a) dishonestly and in breach of an express or implied term of the tenancy, the tenant sub-lets or parts with possession of the whole or part of the dwelling-house, and (b) the tenant ceases to occupy the dwelling-house as the tenant's only or principal home. (3) This [s] applies to an assured tenancy or a secure contract (a) under which the landlord is a private registered provider of social housing, a registered social landlord or in relation to Wales a community landlord, and (b) which is not a shared ownership lease. (4) The offence under [ss] (1) is not committed where the tenant takes the action described in [paras] (a) and (b) of that [ss] because of violence or threats of violence by a person residing in, or in the locality of, the dwelling-house (a) towards the tenant, or (b) towards a member of the family of the tenant who was residing with the tenant immediately before the tenant ceased to occupy the dwelling-house. (5) The offence under [ss] (1) is not committed if a person (“P”) who occupies the dwelling-house as a result of the conduct described in [ss] (1)(a) is (a) a person entitled to apply to the court for an order giving P a right to occupy the dwelling-house or to have the tenancy transferred to P, or (b) a person in respect of whom an application may be made to have the tenancy transferred to P or to another person to be held for P's benefit. (6) A person convicted of an offence under [ss] (1) is liable on [SC] to a fine not exceeding level 5 [I]. (7) A person convicted of an offence under [ss] (2) is liable (a) on [SC], to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both); (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

S 3. **Prosecution of offences** (1) Proceedings for an offence under [s] 1(1) or 2(1) may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge. (2) But no such proceedings may be brought more than [3] years (a) after the commission of the offence, or (b) in the case of continuous contravention, after the last date on which the offence was committed. (3) A certificate signed by the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact; and a certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved. (4) [ss] (1) to (3) also apply in relation to an associated offence which is a summary offence (to the extent that they would not otherwise apply to that offence). (5) A local authority may prosecute an offence under [s] 1 or 2 in relation to a dwelling-house (a) whether or not the dwelling-house is or was let under a tenancy under which the local authority is or was the landlord, and (b) whether or not the dwelling-house is located in the local authority's area. (6) [ss] (5) also applies in relation to an associated offence (to the extent that it would not otherwise apply to that offence).

S 4. **Unlawful profit orders: criminal proceedings** (1) This [s] applies if a person (“the offender”) is convicted of (a) an offence under [s] 1 or 2, or (b) an associated offence in relation to an offence under [s] 1 or 2. (2) The court by or before which the offender is convicted (a) must, on application or otherwise, decide whether to make an unlawful profit order, and (b) may, if it considers it appropriate to do so, make such an order, instead of or in addition to dealing with the offender in any other way. (3) An “unlawful profit order” is an order requiring the offender to pay the landlord an amount representing the profit made by the offender as a result of the conduct constituting the offence. (4) If the court decides not to make an unlawful profit order, it must give reasons for that decision on passing sentence on the offender. (5) The amount payable under an unlawful profit order must be such amount as the court considers appropriate, having regard to any evidence and to any representations that are made by or on behalf of the offender or the prosecutor, but subject to [ss] (6) and (7). (6) The maximum amount payable under an unlawful profit order is calculated as follows *Step 1* Determine the total amount the offender received as a result of the conduct constituting the offence (or the best estimate of that amount). *Step 2* Deduct from the amount determined under step 1 the total amount, if any, paid by the offender as rent to the landlord (including service charges) over the period during which the offence was committed. (7) Where an unlawful profit order has been made against the offender under [s] 5, an order under this section may only provide for the landlord to recover an amount equal to the aggregate of the following (a) any amount by which the amount of the offender's profit found under this [s] exceeds the amount payable under the order made under [s] 5, and (b) a sum equal to any portion of the amount payable under the order made under [s] 5 that the landlord fails to recover, and the landlord may not enforce the order under this [s], so far as it relates to a sum mentioned in [para] (b), without the leave of the court. (8) [ss] (9) applies where the court considers (a) that, as well as being appropriate to make an unlawful profit order, it would be appropriate to impose a fine, and (b) that the offender has insufficient means to pay both (i) an appropriate sum under an unlawful profit order, and (ii) an appropriate sum under a fine. (9) The court must give preference to making an unlawful profit order (though it may impose a fine as well). (10) If the amount required to be paid by a person under an unlawful profit order is not paid when it is required to be paid, that person must pay interest on the amount for the period for which it remains unpaid. (11) The rate of interest is the same rate as that for the time being specified in [s] 17 of the Judgments Act 1838 (interest on civil judgment debts). (12) Sections 141 to 143 of the Sentencing Code (*supplementary provisions about compensation orders*) apply to unlawful profit orders as if (a) references to a compensation order were to an unlawful profit order (subject to [para] (d)), (b) references to the compensation to be paid under a compensation order were to the amount to be paid under an unlawful profit order, (c) [s] 143(3)(a) and (b) were omitted, and (d) the reference in [s] 143(5)(b)(ii) to an unlawful profit order under [s] 4 were to a compensation order under Chapter 2 of Part 7 of the Sentencing Code. (13) In this [s] “the landlord” means the landlord under the tenancy in respect of which the offence was committed.

S 5. **Unlawful profit orders: civil proceedings** (1) The court may, on the application of the landlord of a dwelling-house let under a secure or an assured tenancy or a secure contract, make an unlawful profit order if (a) in the case of a secure tenancy, the conditions in [ss] (3) are met, and (b) in the case of an assured tenancy or a secure contract, the conditions in [ss] (4) are met. (2) An “unlawful profit order” is an order requiring the tenant against whom it is made to pay the landlord an amount representing the profit made by the tenant from the conduct described in [ss] (3)(a) or (4)(c). (3) The conditions in the case of a secure tenancy are that a tenant under the tenancy (a) in breach of an express or implied term of the

tenancy, has sub-let or parted with possession of (i) the whole of the dwelling-house, or (ii) part of the dwelling-house without the landlord's written consent, (b) has ceased to occupy the dwelling-house as the tenant's only or principal home, and (c) has received money as a result of the conduct described in [para] (a). (4) The conditions in the case of an assured tenancy or a secure contract are that (a) the landlord is a private registered provider of social housing, a registered social landlord or in relation to Wales a community landlord, (b) the tenancy is not a shared ownership lease, (c) in breach of an express or implied term of the tenancy, a tenant under the tenancy has sub-let or parted with possession of the whole or part of the dwelling-house, (d) the tenant has ceased to occupy the dwelling-house as the tenant's only or principal home, and (e) the tenant has received money as a result of the conduct described in [para] (c). (5) The amount payable under an unlawful profit order must be such amount as the court considers appropriate, having regard to any evidence and to any representations that are made by or on behalf of the landlord or the tenant, but subject to [ss] (6) and (7). (6) The maximum amount payable under an unlawful profit order is calculated as follows *Step 1* Determine the total amount the tenant received as a result of the conduct described in [ss] (3)(a) or (4)(c) (or the best estimate of that amount). *Step 2* Deduct from the amount determined under step 1 the total amount, if any, paid by the tenant as rent to the landlord (including service charges) over the period during which the conduct described in [ss] (3)(a) or (4)(c) took place. (7) Where an unlawful profit order has been made against the tenant under [s] 4, an order under this [s] may only provide for the landlord to recover an amount equal to the aggregate of the following (a) any amount by which the amount of the tenant's profit found under this [s] exceeds the amount payable under the order made under [s] 4, and (b) a sum equal to any portion of the amount payable under the order made under [s] 4 that the landlord fails to recover, and the landlord may not enforce the order under this [s], so far as it relates to a sum mentioned in [para] (b), without the leave of the court. (8) For the purposes of this [s] "the court" means the High Court or the county court. (9) [s] 110(3) of the Housing Act 1985 (by which the claimant in proceedings relating to a secure tenancy may not recover the claimant's costs if the proceedings are taken in the High Court) does not apply to proceedings under this [s].

S 6. Regulations about powers to require information (1) The appropriate authority may by regulations provide for the exercise, for prescribed housing fraud investigation purposes, of powers to require the provision of information. (2) The appropriate authority may by regulations (a) make provision about the persons by whom powers conferred by regulations under this [s] may be exercised; (b) in particular, make provision for the authorisation by local authorities of persons to exercise those powers. (3) The provision that may be made by regulations under this [s] includes, in particular, provision equivalent to (a) provision made by a relevant enactment, or (b) provision that is capable of being made under a relevant enactment, with such modifications as the appropriate authority thinks fit. (4) For the purposes of [ss] (3), each of the following enactments is a "relevant enactment" (a) [s] 109B of the Social Security Administration Act 1992 (powers to require information); (b) [s] 110A of that Act (authorisations by local authorities to exercise powers of investigation); (c) [s] 121DA (2) and (3) of that Act (interpretation of Part 6 of that Act). (5) After the repeal of [s] 110A of the Social Security Administration Act 1992 by Part 1 of [sch] 14 to the Welfare Reform Act 2012, the reference to that [s] in [ss] (4) is to that section as it had effect immediately before it was repealed. (6) A person exercising powers conferred by regulations under this [s] must have regard to guidance issued or approved by the appropriate authority. (7) In this [s] "housing fraud investigation purposes" means purposes relating to the prevention, detection or securing of evidence for a conviction of (a) an offence under this Act; (b) an offence under the Fraud Act 2006 relating to the unlawful sub-letting or parting with possession of the whole or part of a dwelling-house let by a local authority, a private registered provider of social housing or a registered social landlord, (c) an offence under the Fraud Act 2006 relating to an application for an allocation of housing accommodation under Part 6 of the Housing Act 1996, (d) an offence under the Fraud Act 2006 relating to an application for accommodation, or for assistance in obtaining accommodation, under Part 7 of the Housing Act 1996, (e) an offence under the Fraud Act 2006 relating to (i) a claim to exercise the right to buy under Part 5 of the Housing Act 1985, (ii) a claim to exercise the right to acquire under [s] 6 of the Housing Act 1996 before the repeal of that [s] by the Abolition of the Right to Buy and Associated Rights (Wales) Act 2017 came into force, or (iii) a claim to exercise the right to acquire under [s] 180 of the Housing and Regeneration Act 2008, or (f) an associated offence in relation to an offence mentioned in any of [paras] (a) to (e). (8) In this [s] "prescribed" means prescribed by regulations under this [s]. See also s 8 (Regulations about related offence), 9 (regulation supplementary).***

S 11. Interpretation (1) In this Act (a) "secure tenancy" has the meaning given by [s] 79 of the Housing Act 1985, (b) "assured tenancy" has the same meaning as in Part 1 of the Housing Act 1988, and (c) "secure contract" has the same meaning as in [s] 8 of the Renting Homes (Wales) Act 2016 (anaw 1). (2) In the application of this Act in relation to a secure tenancy, the following expressions have the same meaning as in the Housing Act 1985 "dwelling-house" (see [s] 112 of that Act); "landlord" (see [s] 621 of that Act); "tenancy" (see [s] 621 of that Act); "tenant" (see [s] 621 of that Act). (3) In the application of this Act in relation to an assured tenancy, the following expressions have the same meaning as in the Housing Act 1988 "dwelling-house" (see [s] 45(1) of that Act); "landlord" (see [s] 45(1) and (3) of that Act); "tenancy" (see [s] 45(1) of that Act); "tenant" (see [s] 45(1) and (3) of that Act). (3A) In the application of this Act in relation to a secure contract, the following expressions have the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (a) "community landlord" (see [s] 9 of that Act); (b) "secure contract" (see [s] 8 of that Act). (4) References in this Act to a member of the tenant's family (in relation to a secure or an assured tenancy or secure contract) are to be construed in accordance with [s] 113 of the Housing Act 1985. (4A) References in this Act to a member of the tenant's family (in relation to a secure contract) are to be construed in accordance with [s] 250 of the Renting Homes (Wales) Act 2016. (5) In this Act "shared ownership lease" means a lease of a dwelling-house (a) granted on payment of a premium calculated by reference to a percentage of the value of the dwelling-house or of the cost of providing it, or (b) under which the lessee (or the lessee's personal representatives) will or may be entitled to a sum calculated by reference, directly or indirectly, to the value of the dwelling-house. (6) References in this Act to the landlord under a secure or an assured tenancy or a secure contract include (a) in a case where the tenancy has ended, a person who was the landlord under the tenancy, and (b) in a case where the tenancy has ceased to be a secure or an assured tenancy or a secure contract, the person who was the landlord under the tenancy when it was a secure or an assured tenancy or a secure contract. (7) References in this Act to the tenant under a secure or an assured tenancy or a secure contract include (a) in a case where the tenancy has ended, a person who was the tenant under the tenancy, and (b) in

a case where the tenancy has ceased to be a secure or an assured tenancy or a secure contract, a person who was the tenant under the tenancy when it was a secure or an assured tenancy or a secure contract. (8) In this Act “*local authority*” means a county council, a county borough council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly. (9) In this Act “*registered social landlord*” has the same meaning as in Part 1 of the Housing Act 1996. (10) In this Act “*associated offence*”, in relation to an offence, means (a) an offence of aiding, abetting, counselling or procuring the commission of that offence, (b) an offence of attempting or conspiring to commit that offence, or (c) an offence under Part 2 of the Serious Crime Act 2007 (*encouraging or assisting crime*) in relation to that offence.

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