The Fraud Act 2006: A Change for the Better?

Target Audience
A2 law students who are interested in learning more about recent reforms to the law on fraud.

Key Concepts
Deception offences; reform; Fraud Act 2006.

The Activity
Using the Fraud Law Reform Consultation Paper produced by the Home Office (http://www.homeoffice.gov.uk/documents/cons-fraud-law-reform/) and the Fraud Act 2006 (http://www.opsi.gov.uk/acts/acts2006/ukpga_20060035_en_1), discuss how the passing of the 2006 Act changed the law contained under the Theft Acts of 1968, 1978 and 1996. You should also discuss why it was thought that reform in this area was necessary, and whether you think the offences contained in the Fraud Act 2006 are clearer than the deception offences which it repealed.

Background Knowledge
A basic grasp of the law on theft will help for this topic, although it will be covered in the suggested reading.

Resources
The Home Office Consultation document provides a good overview of the previous law in this area and why the Law Commission believed it was in need of reform. It outlines the proposals for reform, although you could look at the original Law Commission report if you would prefer to read the primary source (http://www.lawcom.gov.uk/docs/lc276.pdf). As the Home Office paper was published before the passing of the 2006 Act, you should also look at the legislation itself on the 'opsi' website to make sure you have a good understanding of how the offences are worded. For criticism of the Fraud Act 2006, have a look at paragraphs 3 and 12 of the Government response to the Home Office consultation. Your A-level law textbook may provide further detail, and you should pay particular attention to the criticisms levelled at the Ghosh test of dishonesty applied to the offence of theft.

Outcomes
This activity will enable you to get a really good idea of how the new offences contained in the Fraud Act 2006 work and why it was considered necessary to revise the existing law. You should discuss with your teacher how you can pass on the results of your research to others.

Helpful hints
The following points may be of use:
• What was the previous law in relation to fraud? What Act was it primarily contained under?
• What were the problems with the previous law? Why was reform seen as necessary?
• What offences have replaced the old law in the Fraud Act 2006? Do they remedy the problems identified with the old offences?

Going further
Have a look at the executive summary of the ACPO report, The Nature, Extent and Economic Impact of Fraud in the UK, which can be found at: http://scholar.googleusercontent.com/scholar?q=cache:PhmSSuv3hsYJ:scholar.google.com/+The+Nature,+Extent+and+Economic+Impact+of+Fraud+in+the+UK&hl=en&as_sdt=0,5&as_vis=1
What does it say about the economic impact of fraud? How does the report recommend that the reporting/recording of fraud could be improved?