



The PM must Sue or Resign

Boris Johnson: First speech as PM in full

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Boris Johnson's first speech as prime minister in full



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1 Serious harm

- (1) A statement is not defamatory unless its publication has caused or is likely to cause serious harm to the reputation of the claimant.
- (2) For the purposes of this section, harm to the reputation of a body that trades for profit is not “serious harm” unless it has caused or is likely to cause the body serious financial loss.

Commencement Information

I1 [S.1](#) in force at 1.1.2014 by [S.I. 2013/3027](#), [art. 2](#)

1 Responsibility for publication.

- (1) In defamation proceedings a person has a defence if he shows that—
- (a) he was not the author, editor or publisher of the statement complained of,
 - (b) he took reasonable care in relation to its publication, and
 - (c) he did not know, and had no reason to believe, that what he did caused or contributed to the publication of a defamatory statement.
- (2) For this purpose “author”, “editor” and “publisher” have the following meanings, which are further explained in subsection (3)—
- “author” means the originator of the statement, but does not include a person who did not intend that his statement be published at all;
- “editor” means a person having editorial or equivalent responsibility for the content of the statement or the decision to publish it; and
- “publisher” means a commercial publisher, that is, a person whose business is issuing material to the public, or a section of the public, who issues material containing the statement in the course of that business.
- (3) A person shall not be considered the author, editor or publisher of a statement if he is only involved—
- (a) in printing, producing, distributing or selling printed material containing the statement;
 - (b) in processing, making copies of, distributing, exhibiting or selling a film or sound recording (as defined in Part I of the **M1** Copyright, Designs and Patents Act 1988) containing the statement;
 - (c) in processing, making copies of, distributing or selling any electronic medium in or on which the statement is recorded, or in operating or providing any equipment, system or service by means of which the statement is retrieved, copied, distributed or made available in electronic form;
 - (d) as the broadcaster of a live programme containing the statement in circumstances in which he has no effective control over the maker of the statement;
 - (e) as the operator of or provider of access to a communications system by means of which the statement is transmitted, or made available, by a person over whom he has no effective control.
- In a case not within paragraphs (a) to (e) the court may have regard to those provisions by way of analogy in deciding whether a person is to be considered the author, editor or publisher of a statement.
- (4) Employees or agents of an author, editor or publisher are in the same position as their employer or principal to the extent that they are responsible for the content of the statement or the decision to publish it.
- (5) In determining for the purposes of this section whether a person took reasonable care, or had reason to believe that what he did caused or contributed to the publication of a defamatory statement, regard shall be had to—
- (a) the extent of his responsibility for the content of the statement or the decision to publish it,
 - (b) the nature or circumstances of the publication, and
 - (c) the previous conduct or character of the author, editor or publisher.
- (6) This section does not apply to any cause of action which arose before the section came into force.

Marginal Citations

M1 [1988 c. 48.](#)

2 Truth

- (1) It is a defence to an action for defamation for the defendant to show that the imputation conveyed by the statement complained of is substantially true.
- (2) Subsection (3) applies in an action for defamation if the statement complained of conveys two or more distinct imputations.
- (3) If one or more of the imputations is not shown to be substantially true, the defence under this section does not fail if, having regard to the imputations which are shown to be substantially true, the imputations which are not shown to be substantially true do not seriously harm the claimant's reputation.
- (4) The common law defence of justification is abolished and, accordingly, section 5 of the Defamation Act 1952 (justification) is repealed.

Commencement Information

I1 [S.2](#) in force at 1.1.2014 by [S.I. 2013/3027](#), [art. 2](#)

3 Honest opinion

- (1) It is a defence to an action for defamation for the defendant to show that the following conditions are met.
- (2) The first condition is that the statement complained of was a statement of opinion.
- (3) The second condition is that the statement complained of indicated, whether in general or specific terms, the basis of the opinion.
- (4) The third condition is that an honest person could have held the opinion on the basis of—
 - (a) any fact which existed at the time the statement complained of was published;
 - (b) anything asserted to be a fact in a privileged statement published before the statement complained of.
- (5) The defence is defeated if the claimant shows that the defendant did not hold the opinion.
- (6) Subsection (5) does not apply in a case where the statement complained of was published by the defendant but made by another person ("the author"); and in such a case the defence is defeated if the claimant shows that the defendant knew or ought to have known that the author did not hold the opinion.
- (7) For the purposes of subsection (4)(b) a statement is a "privileged statement" if the person responsible for its publication would have one or more of the following defences if an action for defamation were brought in respect of it—
 - (a) a defence under section 4 (publication on matter of public interest);
 - (b) a defence under section 6 (peer-reviewed statement in scientific or academic journal);
 - (c) a defence under section 14 of the Defamation Act 1996 (reports of court proceedings protected by absolute privilege);
 - (d) a defence under section 15 of that Act (other reports protected by qualified privilege).
- (8) The common law defence of fair comment is abolished and, accordingly, section 6 of the Defamation Act 1952 (fair comment) is repealed.

Commencement Information

I2 [S.3](#) in force at 1.1.2014 by [S.I. 2013/3027](#), [art. 2](#)

4 Publication on matter of public interest

- (1) It is a defence to an action for defamation for the defendant to show that—
 - (a) the statement complained of was, or formed part of, a statement on a matter of public interest; and

- (b) the defendant reasonably believed that publishing the statement complained of was in the public interest.
- (2) Subject to subsections (3) and (4), in determining whether the defendant has shown the matters mentioned in subsection (1), the court must have regard to all the circumstances of the case.
- (3) If the statement complained of was, or formed part of, an accurate and impartial account of a dispute to which the claimant was a party, the court must in determining whether it was reasonable for the defendant to believe that publishing the statement was in the public interest disregard any omission of the defendant to take steps to verify the truth of the imputation conveyed by it.
- (4) In determining whether it was reasonable for the defendant to believe that publishing the statement complained of was in the public interest, the court must make such allowance for editorial judgement as it considers appropriate.
- (5) For the avoidance of doubt, the defence under this section may be relied upon irrespective of whether the statement complained of is a statement of fact or a statement of opinion.
- (6) The common law defence known as the Reynolds defence is abolished.

Commencement Information

I3 [S.4](#) in force at 1.1.2014 by [S.I. 2013/3027](#), [art. 2](#)

5 Operators of websites

- (1) This section applies where an action for defamation is brought against the operator of a website in respect of a statement posted on the website.
- (2) It is a defence for the operator to show that it was not the operator who posted the statement on the website.
- (3) The defence is defeated if the claimant shows that—
 - (a) it was not possible for the claimant to identify the person who posted the statement,
 - (b) the claimant gave the operator a notice of complaint in relation to the statement, and
 - (c) the operator failed to respond to the notice of complaint in accordance with any provision contained in regulations.
- (4) For the purposes of subsection (3)(a), it is possible for a claimant to “identify” a person only if the claimant has sufficient information to bring proceedings against the person.
- (5) Regulations may—
 - (a) make provision as to the action required to be taken by an operator of a website in response to a notice of complaint (which may in particular include action relating to the identity or contact details of the person who posted the statement and action relating to its removal);
 - (b) make provision specifying a time limit for the taking of any such action;
 - (c) make provision conferring on the court a discretion to treat action taken after the expiry of a time limit as having been taken before the expiry;
 - (d) make any other provision for the purposes of this section.
- (6) Subject to any provision made by virtue of subsection (7), a notice of complaint is a notice which—
 - (a) specifies the complainant's name,
 - (b) sets out the statement concerned and explains why it is defamatory of the complainant,
 - (c) specifies where on the website the statement was posted, and
 - (d) contains such other information as may be specified in regulations.
- (7) Regulations may make provision about the circumstances in which a notice which is not a notice of complaint is to be treated as a notice of complaint for the purposes of this section or any provision made under it.
- (8) Regulations under this section—
 - (a) may make different provision for different circumstances;
 - (b) are to be made by statutory instrument.

- (9) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (10) In this section “regulations” means regulations made by the Secretary of State.
- (11) The defence under this section is defeated if the claimant shows that the operator of the website has acted with malice in relation to the posting of the statement concerned.
- (12) The defence under this section is not defeated by reason only of the fact that the operator of the website moderates the statements posted on it by others.

Commencement Information

I4 [S. 5](#) in force at 1.1.2014 by [S.I. 2013/3027](#), [art. 2](#)

6 Peer-reviewed statement in scientific or academic journal etc

- (1) The publication of a statement in a scientific or academic journal (whether published in electronic form or otherwise) is privileged if the following conditions are met.
- (2) The first condition is that the statement relates to a scientific or academic matter.
- (3) The second condition is that before the statement was published in the journal an independent review of the statement's scientific or academic merit was carried out by—
 - (a) the editor of the journal, and
 - (b) one or more persons with expertise in the scientific or academic matter concerned.
- (4) Where the publication of a statement in a scientific or academic journal is privileged by virtue of subsection (1), the publication in the same journal of any assessment of the statement's scientific or academic merit is also privileged if—
 - (a) the assessment was written by one or more of the persons who carried out the independent review of the statement; and
 - (b) the assessment was written in the course of that review.
- (5) Where the publication of a statement or assessment is privileged by virtue of this section, the publication of a fair and accurate copy of, extract from or summary of the statement or assessment is also privileged.
- (6) A publication is not privileged by virtue of this section if it is shown to be made with malice.
- (7) Nothing in this section is to be construed—
 - (a) as protecting the publication of matter the publication of which is prohibited by law;
 - (b) as limiting any privilege subsisting apart from this section.
- (8) The reference in subsection (3)(a) to “the editor of the journal” is to be read, in the case of a journal with more than one editor, as a reference to the editor or editors who were responsible for deciding to publish the statement concerned.

Commencement Information

I5 [S. 6](#) in force for E.W. at 1.1.2014 by [S.I. 2013/3027](#), [art. 2](#)

I6 [S. 6](#) in force for S. at 1.1.2014 by [S.S.I. 2013/339](#), [art. 2](#)

7 Reports etc protected by privilege

- (1) For subsection (3) of section 14 of the Defamation Act 1996 (reports of court proceedings absolutely privileged) substitute—
 - “(3) This section applies to—
 - (a) any court in the United Kingdom;
 - (b) any court established under the law of a country or territory outside the United Kingdom;

- (c) any international court or tribunal established by the Security Council of the United Nations or by an international agreement;

and in paragraphs (a) and (b) “court” includes any tribunal or body exercising the judicial power of the State.”

- (2) In subsection (3) of section 15 of that Act (qualified privilege) for “public concern” substitute “ public interest ”.
- (3) Schedule 1 to that Act (qualified privilege) is amended as follows.
- (4) For paragraphs 9 and 10 substitute—

“9 (1) A fair and accurate copy of, extract from or summary of a notice or other matter issued for the information of the public by or on behalf of—

- (a) a legislature or government anywhere in the world;
- (b) an authority anywhere in the world performing governmental functions;
- (c) an international organisation or international conference.

- (2) In this paragraph “governmental functions” includes police functions.

10 A fair and accurate copy of, extract from or summary of a document made available by a court anywhere in the world, or by a judge or officer of such a court.”

- (5) After paragraph 11 insert—

“11A A fair and accurate report of proceedings at a press conference held anywhere in the world for the discussion of a matter of public interest.”

- (6) In paragraph 12 (report of proceedings at public meetings)—

- (a) in sub-paragraph (1) for “in a member State” substitute “ anywhere in the world ”;
- (b) in sub-paragraph (2) for “public concern” substitute “ public interest ”.

- (7) In paragraph 13 (report of proceedings at meetings of public company)—

- (a) in sub-paragraph (1), for “UK public company” substitute “ listed company ”;
- (b) for sub-paragraphs (2) to (5) substitute—

“(2) A fair and accurate copy of, extract from or summary of any document circulated to members of a listed company—

- (a) by or with the authority of the board of directors of the company,
- (b) by the auditors of the company, or
- (c) by any member of the company in pursuance of a right conferred by any statutory provision.

(3) A fair and accurate copy of, extract from or summary of any document circulated to members of a listed company which relates to the appointment, resignation, retirement or dismissal of directors of the company or its auditors.

(4) In this paragraph “listed company” has the same meaning as in Part 12 of the Corporation Tax Act 2009 (see section 1005 of that Act).”

- (8) In paragraph 14 (report of finding or decision of certain kinds of associations) in the words before paragraph (a), for “in the United Kingdom or another member State” substitute “ anywhere in the world ”.

- (9) After paragraph 14 insert—

“14A A fair and accurate—

- (a) report of proceedings of a scientific or academic conference held anywhere in the world, or
- (b) copy of, extract from or summary of matter published by such a conference.”

- (10) For paragraph 15 (report of statements etc by a person designated by the Lord Chancellor for the purposes of the paragraph) substitute—

- "15 (1) A fair and accurate report or summary of, copy of or extract from, any adjudication, report, statement or notice issued by a body, officer or other person designated for the purposes of this paragraph by order of the Lord Chancellor.
- (2) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament."
- (11) For paragraphs 16 and 17 (general provision) substitute—

- "16 In this Schedule—
- "court" includes—
- (a) any tribunal or body established under the law of any country or territory exercising the judicial power of the State;
 - (b) any international tribunal established by the Security Council of the United Nations or by an international agreement;
 - (c) any international tribunal deciding matters in dispute between States;
- "international conference" means a conference attended by representatives of two or more governments;
- "international organisation" means an organisation of which two or more governments are members, and includes any committee or other subordinate body of such an organisation;
- "legislature" includes a local legislature; and
- "member State" includes any European dependent territory of a member State."

Commencement Information

- I7 [S. 7\(1\)-\(8\), \(10\), \(11\)](#) in force at 1.1.2014 by [S.I. 2013/3027](#), [art. 2](#)
- I8 [S. 7\(9\)](#) in force for E.W. at 1.1.2014 by [S.I. 2013/3027](#), [art. 2](#)
- I9 [S. 7\(9\)](#) in force for S. at 1.1.2014 by [S.S.I. 2013/339](#), [art. 2](#)

PART I

ORDINARY TIME LIMITS FOR DIFFERENT CLASSES OF ACTION

Actions founded on tort

[F14A Time limit for actions for defamation or malicious falsehood.

The time limit under section 2 of this Act shall not apply to an action for—

- (a) libel or slander, or
- (b) slander of title, slander of goods or other malicious falsehood,

but no such action shall be brought after the expiration of one year from the date on which the cause of action accrued.]

Textual Amendments

F1 S. 4A (which was inserted by [1985 c. 61](#), [ss. 57\(2\)](#), [69\(5\)](#), [Sch. 9 para. 14](#)) substituted (4.9.1996) by [1996 c. 31](#), [ss. 5\(2\)\(6\)](#), [19](#) (with [s. 20\(2\)](#))

1 Fraud

- (1) A person is guilty of fraud if he is in breach of any of the sections listed in subsection (2) (which provide for different ways of committing the offence).
- (2) The sections are—
 - (a) section 2 (fraud by false representation),
 - (b) section 3 (fraud by failing to disclose information), and
 - (c) section 4 (fraud by abuse of position).
- (3) A person who is guilty of fraud is liable—
 - (a) on summary conviction, 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).
- (4) Subsection (3)(a) applies in relation to Northern Ireland as if the reference to 12 months were a reference to 6 months.

7 Proceedings.

- (1) A person who claims that a public authority has acted (or proposes to act) in a way which is made unlawful by section 6(1) may—
 - (a) bring proceedings against the authority under this Act in the appropriate court or tribunal, or
 - (b) rely on the Convention right or rights concerned in any legal proceedings,but only if he is (or would be) a victim of the unlawful act.
- (2) In subsection (1)(a) “appropriate court or tribunal” means such court or tribunal as may be determined in accordance with rules; and proceedings against an authority include a counterclaim or similar proceeding.
- (3) If the proceedings are brought on an application for judicial review, the applicant is to be taken to have a sufficient interest in relation to the unlawful act only if he is, or would be, a victim of that act.
- (4) If the proceedings are made by way of a petition for judicial review in Scotland, the applicant shall be taken to have title and interest to sue in relation to the unlawful act only if he is, or would be, a victim of that act.
- (5) Proceedings under subsection (1)(a) must be brought before the end of—
 - (a) the period of one year beginning with the date on which the act complained of took place; or
 - (b) such longer period as the court or tribunal considers equitable having regard to all the circumstances,but that is subject to any rule imposing a stricter time limit in relation to the procedure in question.
- (6) In subsection (1)(b) “legal proceedings” includes—
 - (a) proceedings brought by or at the instigation of a public authority; and
 - (b) an appeal against the decision of a court or tribunal.
- (7) For the purposes of this section, a person is a victim of an unlawful act only if he would be a victim for the purposes of Article 34 of the Convention if proceedings were brought in the European Court of Human Rights in respect of that act.
- (8) Nothing in this Act creates a criminal offence.
- (9) In this section “rules” means—
 - (a) in relation to proceedings before a court or tribunal outside Scotland, rules made by **F1**. . . **[F2**the Lord Chancellor or] the Secretary of State for the purposes of this section or rules of court,
 - (b) in relation to proceedings before a court or tribunal in Scotland, rules made by the Secretary of State for those purposes,
 - (c) in relation to proceedings before a tribunal in Northern Ireland—
 - (i) which deals with transferred matters; and
 - (ii) for which no rules made under paragraph (a) are in force,rules made by a Northern Ireland department for those purposes,and includes provision made by order under section 1 of the **M1**Courts and Legal Services Act 1990.
- (10) In making rules, regard must be had to section 9.
- (11) The Minister who has power to make rules in relation to a particular tribunal may, to the extent he considers it necessary to ensure that the tribunal can provide an appropriate remedy in relation to an act (or proposed act) of a public authority which is (or would be) unlawful as a result of section 6(1), by order add to—
 - (a) the relief or remedies which the tribunal may grant; or
 - (b) the grounds on which it may grant any of them.
- (12) An order made under subsection (11) may contain such incidental, supplemental, consequential or transitional provision as the Minister making it considers appropriate.
- (13) “The Minister” includes the Northern Ireland department concerned.

Textual Amendments

- F1** Words in s. 7(9)(a) repealed (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S. I. 2003/1887\)](#), [art. 9](#), [Sch. 2 para. 10\(2\)](#).
- F2** Words in s. 7(9)(a) inserted (12.1.2006) by [The Transfer of Functions \(Lord Chancellor and Secretary of State\) Order 2005 \(S.I. 2005/3429\)](#), [art. 8](#), [Sch. para. 3](#).

Modifications etc. (not altering text)

- C1** S. 7 amended (2.10.2000) by [Regulation of Investigatory Powers Act 2000 \(c. 23\)](#), [ss. 65\(2\)\(a\)](#), [83](#) (with s. 82(3); [S.I. 2000/2543](#), [art. 3](#))
- C2** S. 7: referred to (11.3.2005) by Prevention of Terrorism Act 2005 (c. 2), {s. 11(2)}
- C3** S. 7(9)(a): functions of the Secretary of State to be exercisable concurrently with the Lord Chancellor (12.1.2006) by [The Transfer of Functions \(Lord Chancellor and Secretary of State\) Order 2005 \(S.I. 2005/3429\)](#), [art. 3\(2\)](#) (with [arts. 4](#), [5](#))
- C4** S. 7(11): functions of the Secretary of State to be exercisable concurrently with the Lord Chancellor (12.1.2006) by [The Transfer of Functions \(Lord Chancellor and Secretary of State\) Order 2005 \(S.I. 2005/3429\)](#), [art. 3\(2\)](#) (with [arts. 4](#), [5](#))

Marginal Citations

- M1** [1990 c. 41](#).

1 The Convention Rights.

- (1) In this Act “the Convention rights” means the rights and fundamental freedoms set out in—
- (a) Articles 2 to 12 and 14 of the Convention,
 - (b) Articles 1 to 3 of the First Protocol, and
 - (c) **[E1]**Article 1 of the Thirteenth Protocol,
- as read with Articles 16 to 18 of the Convention.
- (2) Those Articles are to have effect for the purposes of this Act subject to any designated derogation or reservation (as to which see sections 14 and 15).
- (3) The Articles are set out in Schedule 1.
- (4) The **[E2]**Secretary of State may by order make such amendments to this Act as he considers appropriate to reflect the effect, in relation to the United Kingdom, of a protocol.
- (5) In subsection (4) “protocol” means a protocol to the Convention—
- (a) which the United Kingdom has ratified; or
 - (b) which the United Kingdom has signed with a view to ratification.
- (6) No amendment may be made by an order under subsection (4) so as to come into force before the protocol concerned is in force in relation to the United Kingdom.

Textual Amendments

F1 Words in [s. 1\(1\)\(c\)](#) substituted (22.6.2004) by [The Human Rights Act 1998 \(Amendment\) Order 2004 \(S. I. 2004/1574\)](#), [art. 2\(1\)](#)

F2 Words in [s. 1](#) substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S. I. 2003/1887\)](#), [art. 9](#), [Sch. 2 para. 10\(1\)](#)

SCHEDULES

SCHEDULE 1

THE ARTICLES

PART I

THE CONVENTION

RIGHTS AND FREEDOMS

ARTICLE 8

Right to respect for private and family life

- 1 Everyone has the right to respect for his private and family life, his home and his correspondence.
- 2 There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

SCHEDULES

SCHEDULE 1

THE ARTICLES

PART I

THE CONVENTION

RIGHTS AND FREEDOMS

ARTICLE 9

Freedom of thought, conscience and religion

- 1 Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
- 2 Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

SCHEDULES

SCHEDULE 1

THE ARTICLES

PART I

THE CONVENTION

RIGHTS AND FREEDOMS

ARTICLE 10

Freedom of expression

- 1 Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
- 2 The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

SCHEDULES

SCHEDULE 1

THE ARTICLES

PART I

THE CONVENTION

RIGHTS AND FREEDOMS

ARTICLE 14

Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

SCHEDULES

SCHEDULE 1

THE ARTICLES

PART II

THE FIRST PROTOCOL

ARTICLE 1

Protection of property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

SCHEDULES

SCHEDULE 1

THE ARTICLES

PART I

THE CONVENTION

RIGHTS AND FREEDOMS

ARTICLE 17

Prohibition of abuse of rights

Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.

SCHEDULES

SCHEDULE 1

THE ARTICLES

PART I

THE CONVENTION

RIGHTS AND FREEDOMS

ARTICLE 18

Limitation on use of restrictions on rights

The restrictions permitted under this Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed.

3 Interpretation of legislation.

- (1) So far as it is possible to do so, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the Convention rights.
- (2) This section—
 - (a) applies to primary legislation and subordinate legislation whenever enacted;
 - (b) does not affect the validity, continuing operation or enforcement of any incompatible primary legislation; and
 - (c) does not affect the validity, continuing operation or enforcement of any incompatible subordinate legislation if (disregarding any possibility of revocation) primary legislation prevents removal of the incompatibility.

6 Acts of public authorities.

- (1) It is unlawful for a public authority to act in a way which is incompatible with a Convention right.
- (2) Subsection (1) does not apply to an act if—
 - (a) as the result of one or more provisions of primary legislation, the authority could not have acted differently; or
 - (b) in the case of one or more provisions of, or made under, primary legislation which cannot be read or given effect in a way which is compatible with the Convention rights, the authority was acting so as to give effect to or enforce those provisions.
- (3) In this section “public authority” includes—
 - (a) a court or tribunal, and
 - (b) any person certain of whose functions are functions of a public nature,

but does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament.
- (4) **F1**
- (5) In relation to a particular act, a person is not a public authority by virtue only of subsection (3)(b) if the nature of the act is private.
- (6) “An act” includes a failure to act but does not include a failure to—
 - (a) introduce in, or lay before, Parliament a proposal for legislation; or
 - (b) make any primary legislation or remedial order.

Textual Amendments

- F1** S. 6(4) repealed (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), [ss. 40, 146, 148](#), [Sch. 9 para. 66\(4\)](#), [Sch. 18 Pt. 5](#); [S.I. 2009/1604](#), [art. 2\(d\)\(f\)](#).

Modifications etc. (not altering text)

- C1** S. 6 excluded (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), [ss. 8\(3\)\(b\)](#), [57\(1\)](#); [S.I. 2015/481](#), [reg. 2\(a\)](#).
- C2** S. 6(1) applied (2.10.2000) by [1999 c. 33](#), [ss. 65\(2\)](#), [170\(4\)](#); [S.I. 2000/2444](#), [art. 2](#), [Sch. 1](#) (subject to transitional provisions in [arts. 3, 4](#), [Sch. 2](#)).
- C3** S. 6(3)(b) modified (1.12.2008 with exception in art. 2(2) of commencing S.I.) by [Health and Social Care Act 2008 \(c. 14\)](#), [ss. 145\(1\)-\(4\)](#), [170](#) (with [s. 145\(5\)](#)); [S.I. 2008/2994](#), [art. 2\(1\)](#).
- C4** S. 6(3)(b) applied (1.4.2015) by [Care Act 2014 \(c. 23\)](#), [s. 73\(2\)\(3\)127](#); [S.I. 2015/993](#), [art. 2\(r\)](#) (with transitional provisions in [S.I. 2015/995](#)).

11 Safeguard for existing human rights.

A person's reliance on a Convention right does not restrict—

- (a) any other right or freedom conferred on him by or under any law having effect in any part of the United Kingdom; or
- (b) his right to make any claim or bring any proceedings which he could make or bring apart from sections 7 to 9.

PART V
MISCELLANEOUS AND GENERAL

Juridical

100 Human rights.

(1) This Act does not enable a person—

(a) to bring any proceedings in a court or tribunal on the ground that an act is incompatible with the Convention rights, or

(b) to rely on any of the Convention rights in any such proceedings,

unless he would be a victim for the purposes of Article 34 of the Convention (within the meaning of the **M1** Human Rights Act 1998) if proceedings in respect of the act were brought in the European Court of Human Rights.

(2) Subsection (1) does not apply to the Lord Advocate, the Advocate General, the Attorney General **[F1]**, the Advocate General for Northern Ireland **]** or the Attorney General for Northern Ireland.

(3) This Act does not enable a court or tribunal to award any damages in respect of an act which is incompatible with any of the Convention rights which it could not award if section 8(3) and (4) of the Human Rights Act 1998 applied.

[F2](3A) Subsection (3B) applies to any proceedings brought by virtue of this Act against the Scottish Ministers or a member of the Scottish Government in a court or tribunal on the ground that an act of the Scottish Ministers or a member of the Scottish Government is incompatible with the Convention rights.

(3B) Proceedings to which this subsection applies must be brought before the end of—

(a) the period of one year beginning with the date on which the act complained of took place, or

(b) such longer period as the court or tribunal considers equitable having regard to all the circumstances, but that is subject to any rule imposing a stricter time limit in relation to the procedure in question.

(3C) Subsection (3B) does not apply to proceedings brought by the Lord Advocate, the Advocate General, the Attorney General, the Attorney General for Northern Ireland or the Advocate General for Northern Ireland.

(3D) In subsections (3A) and (3B) “act” does not include the making of any legislation but it does include any other act or failure to act (including a failure to make legislation).

(3E) In subsection (3B) “rule” has the same meaning as it has in section 7(5) of the Human Rights Act 1998. **]**

F3(...)

F3(...)

F3(...)

F3(...)

F3(...)

(4) **F4**... **[F5**Subject to subsection (3D),**]** in this section “act” means—

(a) making any legislation,

(b) any other act or failure to act, if it is the act or failure of a member of the **[F6**Scottish Government**]**.

Textual Amendments

F1 Words in s. 100(2) inserted (12.4.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), ss. 28, 87, [Sch. 7 para. 7](#); [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(a\)](#).

F2 S. 100(3A)–(3E) inserted (3.7.2012) by [Scotland Act 2012 \(c. 11\)](#), [ss. 14\(6\)](#), [44\(5\)](#) (with [s. 14\(8\)](#)); [S.I. 2012/1710](#), [art. 2\(g\)](#).

- F3** S. 100(3A)–(3E) omitted (3.7.2012) by virtue of [Scotland Act 2012 \(c. 11\)](#), [ss. 14\(1\)\(a\)](#), [44\(5\)](#) (with [s. 14\(5\)](#)); [S.I. 2012/1710](#), [art. 2\(g\)](#).
- F4** Words in s. 100(4) omitted (3.7.2012) by virtue of [Scotland Act 2012 \(c. 11\)](#), [ss. 14\(1\)\(b\)](#), [44\(5\)](#) (with [s. 14\(5\)](#)); [S.I. 2012/1710](#), [art. 2\(g\)](#).
- F5** Words in s. 100(4) inserted (3.7.2012) by [Scotland Act 2012 \(c. 11\)](#), [ss. 14\(7\)](#), [44\(5\)](#) (with [s. 14\(8\)](#)); [S.I. 2012/1710](#), [art. 2\(g\)](#).
- F6** Words in Act substituted (3.7.2012) by [Scotland Act 2012 \(c. 11\)](#), [ss. 12\(2\)\(a\)](#), [44\(5\)](#) (with [s. 12\(3\)](#)); [S.I. 2012/1710](#), [art. 2\(f\)](#).

Marginal Citations

- M1** [1998 c. 42](#).

PART VII
HUMAN RIGHTS AND EQUAL OPPORTUNITIES

Human rights

71 Restrictions on application of rights.

- (1) Nothing in **[F1]**section 6(2)(c) or 24(1)(a) shall enable a person—
- (a) to bring any proceedings in a court or tribunal on the ground that any legislation or act is incompatible with the Convention rights; or
 - (b) to rely on any of the Convention rights in any such proceedings,
- unless he would be a victim for the purposes of article 34 of the Convention if proceedings in respect of the legislation or act were brought in the European Court of Human Rights.

- (2) Subsection (1) does not apply to the Attorney General, **[F2]**the Advocate General for Northern Ireland, the Attorney General for Northern Ireland, the Advocate General for Scotland or the Lord Advocate.

[F3](2A) Subsection (1) does not apply to the Commission.

- (2B) In relation to the Commission's instituting, or intervening in, **[F4]**proceedings which rely on section 7(1)(b) of the Human Rights Act 1998—

- (a) the Commission need not be a victim or potential victim of the unlawful act to which the proceedings relate,
- (b) section 7(3) and (4) of the Human Rights Act 1998 (c. 42) (breach of Convention rights: sufficient interest, &c.) shall not apply,
- (c) the Commission may act only if there is or would be one or more victims of the unlawful act, and
- (d) no award of damages may be made to the Commission (whether or not the exception in section 8(3) of that Act applies).

- (2C) For the purposes of subsection (2B)—

F5(a)

- (b) an expression used in subsection (2B) and in section 7 of the Human Rights Act 1998 has the same meaning in subsection (2B) as in section 7.]

- (3) Section 6(2)(c)—

- (a) does not apply to a provision of an Act of the Assembly if the passing of the Act is, by virtue of subsection (2) of section 6 of the **M1**Human Rights Act 1998, not unlawful under subsection (1) of that section; and
- (b) does not enable a court or tribunal to award in respect of the passing of an Act of the Assembly any damages which it could not award on finding the passing of the Act unlawful under that subsection.

- (4) Section 24(1)(a)—

- (a) does not apply to an act which, by virtue of subsection (2) of section 6 of the Human Rights Act 1998, is not unlawful under subsection (1) of that section; and
- (b) does not enable a court or tribunal to award in respect of an act any damages which it could not award on finding the act unlawful under that subsection.

- (5) In this section “the Convention” has the same meaning as in the Human Rights Act 1998.

Textual Amendments

F1 Words in s. 71(1) substituted (1.8.2007) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\)](#), **ss. 14(1), 53**; [S.I. 2007/2045, art. 2\(2\)\(3\)\(j\)](#) (with [art. 3](#))

- F2** Words in s. 71(2) inserted (12.4.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), [s. 87\(1\)](#), [Sch. 7 para. 5](#); [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(a\)](#)
- F3** S. 71(2A)-(2C) inserted (1.8.2007) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\)](#), [ss. 14\(2\)](#), [53](#); [S.I. 2007/2045](#), [art. 2\(2\)\(3\)\(i\)](#) (with [art. 3](#))
- F4** Words in s. 71(2B) substituted (23.3.2020, 19.5.2020 in so far as not already in force) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), [s. 42\(7\)](#), [Sch. 3 para. 5\(a\)](#) (with [s. 38\(3\)](#)); [S.I. 2020/317](#), [reg. 4](#); [S.I. 2020/518](#), [reg. 2\(k\)](#)
- F5** S. 71(2C)(a) and word omitted (23.3.2020, 19.5.2020 in so far as not already in force) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), [s. 42\(7\)](#), [Sch. 3 para. 5\(b\)](#) (with [s. 38\(3\)](#)); [S.I. 2020/317](#), [reg. 4](#); [S.I. 2020/518](#), [reg. 2\(k\)](#)

Commencement Information

- I1** S. 71 fully in force; s. 71 not in force at Royal Assent see s. 101(3); s. 71(1) in force for specified purposes at 1.6.1999 by [S.I. 1999/340](#), [art. 2\(5\)](#), [Sch. Pt. 4](#); s. 71(2)(5) in force at 1.6.1999 by [S.I. 1999/340](#), [art. 2\(5\)](#), [Sch. Pt. 4](#); s. 71(3)(4) in force and s. 71(1) in force insofar as not already in force at 2.12.1999 by [S.I. 1999/3209](#), [art. 2](#), [Sch.](#)

Marginal Citations

- M1** [1998 c.42](#).

PART 2
F1 WELSH ... GOVERNMENT

Textual Amendments

F1 Words in Act omitted (17.2.2015) by virtue of [Wales Act 2014 \(c. 29\)](#), [s. 4\(2\)\(a\)](#) (with [s. 4\(3\)](#))

[F2Retained] **[F3EU]** *law, human rights and international obligations etc.*

Textual Amendments

F2 Word in [s. 80 cross-heading](#) inserted (31.12.2020) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), [s. 25\(4\)](#), [Sch. 3 para. 36](#) (with [s. 19](#), [Sch. 8 para. 37](#)); [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [reg. 10](#))

F3 Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), [arts. 2, 3-6](#)

81 Human rights

- (1) The Welsh Ministers have no power—
 - (a) to make, confirm or approve any subordinate legislation, or
 - (b) to do any other act,so far as the subordinate legislation or act is incompatible with any of the Convention rights.
- (2) Subsection (1) does not enable a person—
 - (a) to bring any proceedings in a court or tribunal, or
 - (b) to rely on any of the Convention rights in any such proceedings,in respect of an act unless that person would be a victim for the purposes of Article 34 of the Convention if proceedings were brought in the European Court of Human Rights in respect of that act.
- (3) Subsection (2) does not apply to the Attorney General, the Counsel General, the Advocate General for Scotland, the Advocate General for Northern Ireland or the Attorney General for Northern Ireland.
- (4) Subsection (1)—
 - (a) does not apply to an act which, by virtue of subsection (2) of section 6 of the Human Rights Act 1998 (c. 42), is not unlawful under subsection (1) of that section, and
 - (b) does not enable a court or tribunal to award in respect of any act any damages which it could not award on finding the act unlawful under that subsection.
- (5) Subsection (1) applies to the First Minister and the Counsel General as to the Welsh Ministers.
- (6) In subsection (2) “the Convention” has the same meaning as in the Human Rights Act 1998.

Commencement Information

I1 Ss. 1-94, 97-106 in force immediately after “the 2007 election” by s. 161(1) (subject to s. 161(4)(5))

2 Fraud by false representation

- (1) A person is in breach of this section 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 section 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).

3 Fraud by failing to disclose information

A person is in breach of this section 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.

4 Fraud by abuse of position

- (1) A person is in breach of this section 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.

5 “Gain” and “loss”

- (1) The references to gain and loss in sections 2 to 4 are to be read in accordance with this section.
- (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.

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 section is liable—
 - (a) on summary conviction, 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 5 years or to a fine (or to both).
- (3) Subsection (2)(a) applies in relation to Northern Ireland as if the reference to 12 months were a reference to 6 months.

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 section is liable—
 - (a) on summary conviction, 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).
- (3) Subsection (2)(a) applies in relation to Northern Ireland as if the reference to 12 months were a reference to 6 months.

8 “Article”

(1) For the purposes of—

- (a) sections 6 and 7, and
- (b) the provisions listed in subsection (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) section 1(7)(b) of the Police and Criminal Evidence Act [1984 \(c. 60\)](#),
- (b) section 2(8)(b) of the Armed Forces Act [2001 \(c. 19\)](#), and
- (c) Article 3(7)(b) of the Police and Criminal Evidence (Northern Ireland) Order 1989 ([S.I. 1989/1341 \(N.I. 12\)](#));

(meaning of “prohibited articles” for the purposes of stop and search powers).

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.

PART I
ATTEMPTS ETC.

Attempt

1 Attempting to commit an offence.

- (1) If, with intent to commit an offence to which this section applies, a person does an act which is more than merely preparatory to the commission of the offence, he is guilty of attempting to commit the offence.

[F1](1A) Subject to section 8 of the Computer Misuse Act 1990 (relevance of external law), if this subsection applies to an act, what the person doing it had in view shall be treated as an offence to which this section applies.

- (1B) Subsection (1A) above applies to an act if—

- (a) it is done in England and Wales; and
- (b) it would fall within subsection (1) above as more than merely preparatory to the commission of an offence under section 3 of the Computer Misuse Act 1990 but for the fact that the offence, if completed, would not be an offence triable in England and Wales.]

- (2) A person may be guilty of attempting to commit an offence to which this section applies even though the facts are such that the commission of the offence is impossible.

- (3) In any case where—

- (a) apart from this subsection a person's intention would not be regarded as having amounted to an intent to commit an offence; but
- (b) if the facts of the case had been as he believed them to be, his intention would be so regarded,

then, for the purposes of subsection (1) above, he shall be regarded as having had an intent to commit that offence.

- (4) This section applies to any offence which, if it were completed, would be triable in England and Wales as an indictable offence, other than—

- (a) conspiracy (at common law or under section 1 of the **M1** Criminal Law Act 1977 or any other enactment);
- (b) aiding, abetting, counselling, procuring or suborning the commission of an offence;

[F2](ba) an offence under section 2(1) of the Suicide Act 1961 (c. 60) (encouraging or assisting suicide);]

- (c) offences under section 4(1) (assisting offenders) or 5(1) (accepting or agreeing to accept consideration for not disclosing information about an arrestable offence) of the **M2** Criminal Law Act 1967.

[F3](5) This section also applies to low-value shoplifting (which is defined in, and is triable only summarily by virtue of, section 22A of the Magistrates' Courts Act 1980).]

Textual Amendments

F1 S. 1(1A)(1B) inserted by [Computer Misuse Act 1990 \(c. 18, SIF 39:1\)](#), **s. 7(3)**

F2 S. 1(4)(ba) inserted (1.2.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), **s. 182(5)**, **Sch. 21 para. 58** (with **s. 180**); [S.I. 2010/145](#), **art. 2(2)**, **Sch. para. 25(a)**

F3 S. 1(5) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 176(5)(a)**, **185(1)** (with **ss. 8, 21, 33, 42, 58, 75, 93, 176(8)**); [S.I. 2014/949](#), **art. 3**, **Sch. para. 17**

Modifications etc. (not altering text)

C1 S. 1(4) modified (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), **ss. 42(6)**, **43(2)**, **47(3)**, **383(2)**; [S.I. 2009/812](#), **art. 3(a)(b)**; [S.I. 2009/1167](#), **art. 4** (with transitional provisions in [S.I. 2009/1059](#))

Marginal Citations

M1 [1977 c. 45](#).

M2 [1967 c. 58](#).

8 Abettors in misdemeanors.

Whosoever shall aid, abet, counsel, or procure the commission of [**F1**any indictable offence] , whether the same be [**F1**an offence] at common law or by virtue of any Act passed or to be passed, shall be liable to be tried, indicted, and punished as a principal offender.

Textual Amendments

F1 Words substituted by [Criminal Law Act 1977 \(c. 45\), s. 65\(7\)](#), [Sch. 12](#)

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 seven years.

- (2) For purposes of this section 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.

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 seven years.

F1(2)

- (3) For the purposes of this section **F2**... “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.

Textual Amendments

F1 S. 20(2) repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), [ss. 14\(1\)\(3\)](#), [15\(1\)](#), [Sch. 1 para. 1\(a\)\(iv\)](#), [Sch. 3](#) (with [Sch. 2 para. 3](#)); [S.I. 2006/3200, art. 2](#)

F2 Words in s. 20(3) repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), [ss. 14\(1\)\(3\)](#), [15\(1\)](#), [Sch. 1 para. 5](#), [Sch. 3](#); [S.I. 2006/3200, art. 2](#)

[F124A 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.

[F2(2A) A credit to an account is wrongful to the extent that it derives from—

- (a) theft;
- (b) blackmail;
- (c) fraud (contrary to section 1 of the Fraud Act 2006); or
- (d) stolen goods.]

F2(3) F3.....

(4) F3.....

- (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 section shall be liable on conviction on indictment to imprisonment for a term not exceeding ten years.
- (7) Subsection (8) below applies for purposes of provisions of this Act relating to stolen goods (including [F4subsection (2A)] F4 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.

[F5(9) “Account ” means an account kept with—

- (a) a bank;
- (b) a person carrying on a business which falls within subsection (10) below; or

[F6(c) a person falling within any of paragraphs (a) to (j) of the definition of “electronic money issuer” in regulation 2(1) of the Electronic Money Regulations 2011.]

(10) A business falls within this subsection 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 subsection (10) above to a deposit must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 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 subsection (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.] F5

Textual Amendments

- F1** S. 24A inserted (18.12.1996) by [1996 c. 62, s. 2](#)
- F2** S. 24A(2A) inserted (15.1.2007) by [Fraud Act 2006 \(c. 35\), ss. 14\(1\), 15\(1\), Sch. 1 para. 7\(1\)](#) (with [Sch. 2 para. 5](#)); [S.I. 2006/3200, art. 2](#)
- F3** S. 24A(3)(4) repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\), ss. 14\(1\)\(2\), 15\(1\), Sch. 1 para. 7\(1\), Sch. 3](#) (with [Sch. 2 para. 5](#); [S.I. 2006/3200, art. 2](#)
- F4** Words in s. 24A(7) substituted (15.1.2007) by [Fraud Act 2006 \(c. 35\), ss. 14\(1\), 15\(1\), Sch. 1 para. 7\(2\)](#) (with [Sch. 2 para. 5](#)); [S.I. 2006/3200, art. 2](#)
- F5** S. 24A(9)–(12) substituted (15.1.2007) for s. 24(9) by [Fraud Act 2006 \(c. 35\), ss. 14\(1\), 15\(1\), Sch. 1 para. 7\(3\)](#) (with [Sch. 2 para. 5](#)); [S.I. 2006/3200, art. 2](#)
- F6** [S. 24A\(9\)\(c\)](#) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 18 para. 32](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)

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 **[F1]** spouse or civil partner **[F1]** 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 **[F2]** married or became civil partners after the making of the statement or admission) against the spouse or civil partner **[F2]** 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.

Textual Amendments

- F1** Words in [s. 31](#) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), [ss. 261\(1\)](#), [263](#), [Sch. 27 para. 28\(a\)](#); [S.I. 2005/3175](#), [art. 2\(2\)](#)
- F2** Words in [s. 31](#) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), [ss. 261\(1\)](#), [263](#), [Sch. 27 para. 28\(b\)](#); [S.I. 2005/3175](#), [art. 2\(2\)](#)

Modifications etc. (not altering text)

- C1** [S. 31\(1\)](#) applied by [Theft Act 1978 \(c. 31, SIF 39:6\)](#), [s. 5\(2\)](#)

PART 2
ENCOURAGING OR ASSISTING CRIME

Modifications etc. (not altering text)

- C1 Pt. 2 restricted by 2007 c. 19, s. 18(1A) (as inserted (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), **ss. 62, 94(1)** (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), **art. 2(a)**)
- C2 [Pt. 2](#) applied (with modifications) by 2003 c. 42, Sch. 4 para. 6(3) (as inserted (26.4.2013) by [Criminal Justice Act \(Northern Ireland\) 2013 \(c. 7\)](#), **ss. 3(5), 15(1)**)

Inchoate offences

44 Intentionally encouraging or assisting an offence

- (1) A person commits an offence if—
- (a) he does an act capable of encouraging or assisting the commission of an offence; and
 - (b) he intends to encourage or assist its commission.
- (2) But he is not to be taken to have intended to encourage or assist the commission of an offence merely because such encouragement or assistance was a foreseeable consequence of his act.

Commencement Information

- I1 [S. 44](#) in force at 1.10.2008 by [S.I. 2008/2504](#), **art. 2(a)**

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