

*These notes refer to the Fraud Act 2006 (c.35)
which received Royal Assent on 8 November 2006*

FRAUD ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 13: Evidence

38. This section is similar to section 31(1) of the Theft Act 1968 and section 29(1) of the Theft Act (Northern Ireland) 1969. Under this section a person is protected from incriminating himself or his spouse or civil partner for the purposes of offences under the Act and related offences, while nonetheless being obliged to co-operate with certain civil proceedings relating to property. The section goes beyond section 31(1) of the Theft Act and section 29(1) of the Theft Act (Northern Ireland) in removing privilege in relation to ‘related offences’. “Related offence” is defined in *subsection (4)* as meaning conspiracy to defraud and any other offence involving any form or fraudulent conduct or purpose.
39. The Act does not include an equivalent to section 30 of the Theft Act 1968. Section 30 was a positive statement, which went with the repeal of sections 12 and 16 of the Married Women’s Property Act 1882. It was aimed at ensuring that a pre-1882 common law rule that husbands and wives could not steal from each other would not be resurrected. It is no longer necessary to include a provision of this sort, as it seems highly unlikely that this rule would be resurrected.