



Sentencing Guidelines Council

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Council Publishes Guideline on Fraud Offences

The Sentencing Guideline Council's definitive guideline on fraud offences, published today, provides comprehensive advice on a wide range of statutory offences, including new offences introduced by the Fraud Act 2006 which provides for maximum sentences of up to 10 years imprisonment.

The new guideline does not include the common law offence of cheating the public revenue, which is generally reserved for the most serious offences and where a sentence in excess of the statutory maximum for other offences would be proper, or those cases where offenders are convicted of conspiracy to defraud.

Offences covered by the guideline are grouped by types of fraud rather than by the specific offence of which a person is convicted to encourage a consistent approach. Among the types covered are: confidence fraud; banking and insurance fraud; and benefit fraud.

The Council says that courts sentencing confidence fraudsters who plan their offence or are involved with multiple fraudulent transactions less than £20,000 should use as their starting point 18 months in custody – even for first time offenders.

The jail terms should rise if there are aggravating factors such as using stolen identities or causing a long term effect on the victim.

Using the identities of living persons can cause emotional distress for individuals who have the problem of untangling the financial consequences of fraud, while using those of people who have died causes considerable stress to relatives and demonstrates more detailed planning, the Council says.

Courts are also advised that the lives of individual victims may be severely affected by fraud offences; they may lose most or all of their savings, be unable to make mortgage and loan repayments, or have to work beyond retirement age.

And where the fraud was perpetrated by someone entrusted with the victim's financial affairs, the victim's ability to trust future advice may be permanently damaged. Such lasting impacts will aggravate an offence.

The guideline takes account of the fact that other sanctions and orders – such as confiscation and compensation – are likely to be applied which may have a significant impact on an offender. Offenders convicted of benefit fraud will be expected to repay the sums defrauded; this is a separate process.

Council member, Sir Christopher Pitchford said: "Contrary to some perceptions fraud is not a victimless crime; indeed fraud offences can be very serious.

"Let's not forget that fraudsters target individuals as well as financial institutions. Those individuals suffer stress and can even lose their businesses and life savings.

"And all of us pay the bills for economic crime when financial institutions have to take the necessary action to protect themselves."

Notes to editors:

The definitive guideline is available on the SGC website (www.sentencing-guidelines.gov.uk) along with a summary of responses to the consultation guideline.

Printed copies of the guideline may be obtained from: the Sentencing Guidelines Secretariat, 4th Floor, 8-10 Great George Street, London SW1P 3AE (tel: 020 7084 8130).

Further information about the Council and Panel can be found at <http://www.sentencing-guidelines.gov.uk/about/index.html>.

For further information about this press release and the guidelines, please contact the secretariat on 020 7084 8130 or 07515 359793.

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