



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 2

### CRIMINAL LAW

#### *Fraud and embezzlement*

#### **48 Alternative charges for fraud and embezzlement**

In Schedule 3 to the 1995 Act (indictments and complaints), after paragraph 8(3) insert—

“(3A) Under an indictment or a complaint for breach of trust and embezzlement, an accused may be convicted of falsehood, fraud and wilful imposition.

(3B) Under an indictment or a complaint for falsehood, fraud and wilful imposition, an accused may be convicted of breach of trust and embezzlement.”.

#### **Commencement Information**

**II** S. 48 in force at 28.3.2011 by [S.S.I. 2011/178](#), art. 2, [Sch.](#) (with [Sch.](#))

#### **49 Articles for use in fraud**

(1) A person (“A”) commits an offence if A has in A's possession or under A's control an article for use in, or in connection with, the commission of fraud.

(2) A person guilty of an offence under subsection (1) 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.

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Cross Heading: Fraud and embezzlement. (See end of Document for details)*

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- (3) A person commits an offence if the person makes, adapts, supplies or offers to supply an article—
- (a) knowing that the article is designed or adapted for use in, or in connection with, the commission of fraud, or
  - (b) intending the article to be used in, or in connection with, the commission of fraud.
- (4) A person guilty of an offence under subsection (3) 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.
- (5) In this section, “article” includes a program or data held in electronic form.

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**Commencement Information**

**I2** [S. 49](#) in force at 28.3.2011 by [S.S.I. 2011/178](#), art. 2, [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Cross Heading: Fraud and embezzlement.