

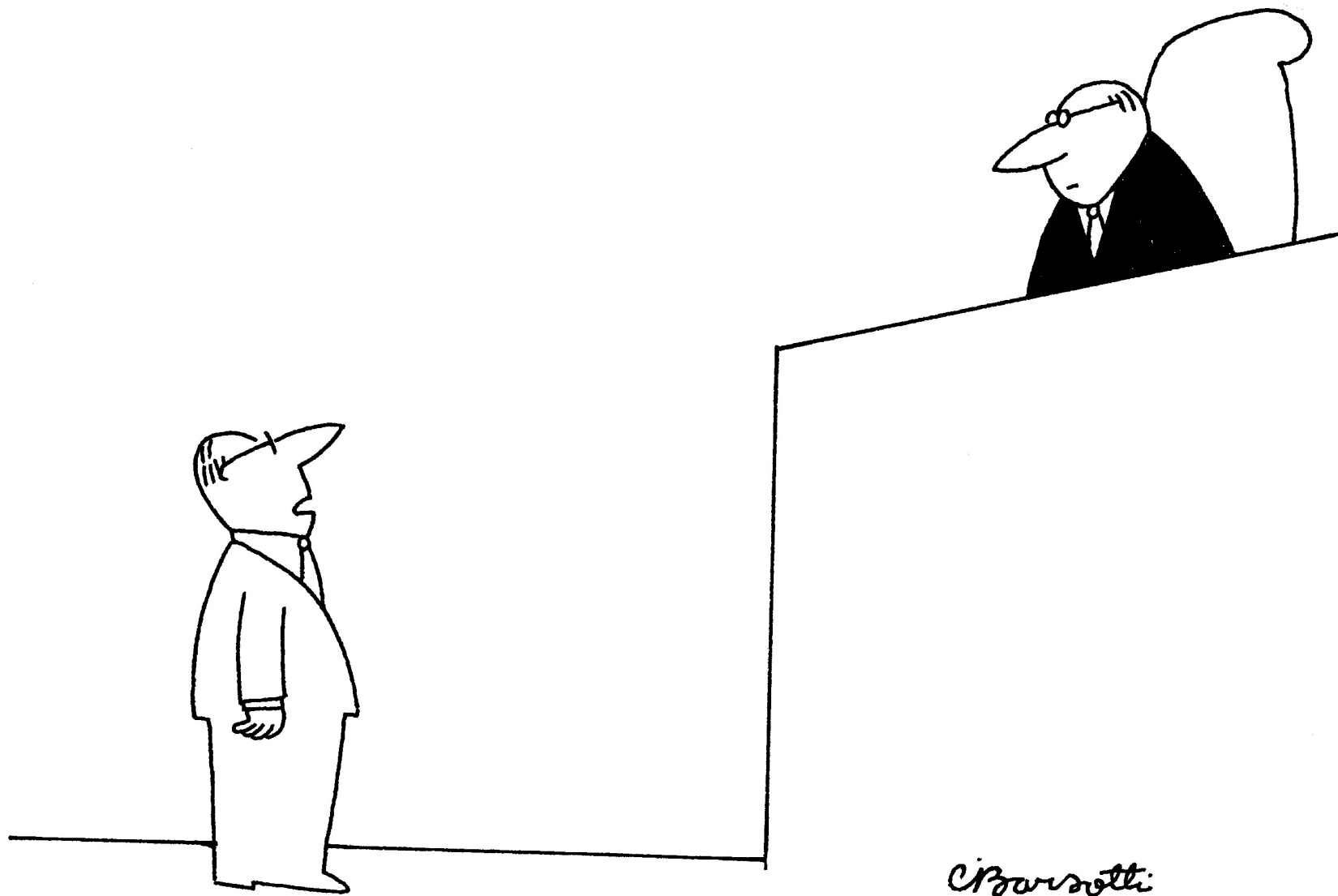
Revisiting the Fraud Act 2006 – *A Step Too Far?*

Hannah Willcocks

"Yes, I suppose certain narrow-minded
people would call it a 'pack of lies'
- I prefer to think of it as
creative up-selling."



FRY.



"I plead guilty, Your Honor, but only in a nice, white-collar sort of way."

	S2	S3	S4	S6	S7	S11
Non-trivial harm	✓	✓	✓	✓	✓	✓
Wrongfulness	✓▪ but !	X	✓	✓°	✓	?
Desert	X / ✓	X*	✓ but !	✓°	✓	?
Burden of Proof	✓	✓	✓	✓	✓	✓
Substantial State Interest	✓	X / ✓	X / ✓	✓	✓	✓
Advancing Substantial State Interest	X / ✓	X / ✓	✓	X□	✓	X / ✓
No more Extensive than Necessary	X	X	X	✓ but !	✓	X

Key:

✓ = complies with constraint

(▪ lies to enemies are excluded here as Bok is uncertain)

X = offends constraint

X / ✓ = depends upon the case

? = depends upon one's moral viewpoint

but ! = dependent upon prosecutorial discretion

° = where ulterior *mens rea* is included in the offence

□ = on the face of the statute (i.e. without the ulterior *mens rea* included)

* = according to the majority view

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Wrongfulness	✓▪ but !	X	✓	✓°	✓	?
Desert	X / ✓	X*	✓ but !	✓°	✓	?
Substantial State Interest	✓	X / ✓	X / ✓	✓	✓	✓
Advancing Substantial State Interest	X / ✓	X / ✓	✓	X□	✓	X / ✓
No more Extensive than Necessary	X	X	X	✓ but !	✓	X

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DO YOU PLEAD GUILTY
OR NOT GUILTY?

GUILTY-ISH.



