
STATUTORY INSTRUMENTS

1983 No. 1120

**The Criminal Attempts and Conspiracy
(Northern Ireland) Order 1983**

PART IV

CONSPIRACY

[^{F1}Conspiracy to commit offences outside [^{F2}Northern Ireland]

9A.—(1) Where each of the following conditions is satisfied in the case of an agreement, this Part has effect in relation to the agreement as it has effect in relation to an agreement falling within Article 9(1).

(2) The first condition is that the pursuit of the agreed course of conduct would at some stage involve—

- (a) an act by one or more of the parties, or
- (b) the happening of some other event,

intended to take place in a country or territory outside [^{F3}Northern Ireland].

(3) The second condition is that that act or other event constitutes an offence under the law in force in that country or territory.

(4) The third condition is that the agreement would fall within Article 9(1) as an agreement relating to the commission of an offence but for the fact that the offence would not be an offence triable in Northern Ireland if committed in accordance with the parties' intentions.

(5) The fourth condition is that—

- (a) a party to the agreement, or a party's agent, did anything in Northern Ireland in relation to the agreement before its formation, or
- (b) a party to the agreement became a party in Northern Ireland (by joining it either in person or through an agent), or
- (c) a party to the agreement, or a party's agent, did or omitted anything in Northern Ireland in pursuance of the agreement.

(6) In the application of this Part to an agreement in the case of which each of the above conditions is satisfied, a reference to an offence is to be read as a reference to what would be the offence in question but for the fact that it is not an offence triable in Northern Ireland.

(7) Conduct punishable under the law in force in any country or territory is an offence under that law for the purposes of this article, however it is described in that law.

(8) Subject to paragraph (9), the second condition is to be taken to be satisfied unless, not later than rules of court may provide, the defence serve on the prosecution a notice—

- (a) stating that, on the facts as alleged with respect to the agreed course of conduct, the condition is not in their opinion satisfied,
- (b) showing their grounds for that opinion, and

Changes to legislation: *The Criminal Attempts and Conspiracy (Northern Ireland) Order 1983, Section 9A is up to date with all changes known to be in force on or before 03 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(c) requiring the prosecution to show that it is satisfied.

(9) The court may permit the defence to require the prosecution to show that the second condition is satisfied without the prior service of a notice under paragraph (8).

(10) In the Crown Court the question whether the second condition is satisfied shall be decided by the judge alone, and shall be treated as a question of law for the purposes of—

(a) Article 8(3) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (preparatory hearing in fraud cases), and

(b) section 31(3) of the Criminal Procedure and Investigations Act 1996 (preparatory hearing in other cases).

(11) Any act done by means of a message (however communicated) is to be treated for the purposes of the fourth condition as done in Northern Ireland if the message is sent or received in Northern Ireland.

(12) In any proceedings in respect of an offence triable by virtue of this article, it is immaterial to guilt whether or not the accused was a British citizen at the time of any act or other event proof of which is required for conviction of the offence.

(13) References in any enactment, instrument or document (except those in this Part) to an offence of conspiracy to commit an offence include an offence triable in Northern Ireland as such a conspiracy by virtue of this article (without prejudice to paragraph (6)).

[^{F4}(14) Nothing in this Article applies to an agreement entered into before 4 September 1998.

(15) In relation to an agreement entered into during the period beginning with that date and ending with the commencement of section 72(2) of the Coroners and Justice Act 2009, this Article applies as if in paragraph (2) for “Northern Ireland” there were substituted the United Kingdom.

(16) Nothing in this Article imposes criminal liability on any person acting on behalf of, or holding office under, the Crown.]]

F1 1998 c.40

F2 Words in [art. 9A](#) heading substituted (1.2.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 72\(2\)\(a\)](#), [182\(5\)](#) (with savings in [s. 180](#)); [S.I. 2010/145](#), [art. 2\(2\)](#), [Sch. para. 5](#)

F3 Words in [art. 9A\(2\)](#) substituted (1.2.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 72\(2\)\(a\)](#), [182\(5\)](#) (with savings in [s. 180](#)); [S.I. 2010/145](#), [art. 2\(2\)](#), [Sch. para. 5](#)

F4 [Art. 9A\(14\)-\(16\)](#) substituted (1.2.2010) for [art. 9A\(14\)](#) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 72\(2\)\(b\)](#), [182\(5\)](#) (with savings in [s. 180](#)); [S.I. 2010/145](#), [art. 2\(2\)](#), [Sch. para. 5](#)

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Changes and effects yet to be applied to :

- Instrument amended by [1998 c. 40 s.6](#)
- Instrument rev. in pt. by [1998 c. 40 s.9\(1\)\(2\)Sch.1 Pt.II para.5Sch.2 Pt.II](#)