
STATUTORY INSTRUMENTS

1996 No. 3160

The Criminal Justice (Northern Ireland) Order 1996

PART III
JURISDICTION

Attempt, conspiracy and incitement

- 42.**—(1) In the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983—
(a) after Article 3 there shall be inserted—

“Extended jurisdiction in relation to certain attempts

3A.—(1) If this Article applies to an act, what the person doing the act had in view shall be treated as an offence to which Article 3(1) applies.

(2) This Article applies to an act if—

- (a) it is done in Northern Ireland, and
(b) it would fall within Article 3(1) as more than merely preparatory to the commission of a Group A offence but for the fact that that offence, if completed, would not be an offence triable in Northern Ireland.

(3) In this Article “Group A offence” has the same meaning as in Part III of the Criminal Justice (Northern Ireland) Order 1996.

(4) Paragraph (1) is subject to the provisions of Article 43 of the Order of 1996 (relevance of external law).

(5) Where a person does any act to which this Article applies, the offence which he commits shall for all purposes be treated as the offence of attempting to commit the relevant Group A offence.”

Sub.#para. (b) rep. by 1998 c. 40

- (2) A person may be guilty of incitement to commit a Group A offence if the incitement—
(a) takes place in Northern Ireland; and
(b) would be triable in Northern Ireland but for what the person charged had in view not being an offence triable in Northern Ireland.
- (3) A person may be guilty of conspiracy to defraud if—
(a) a party to the agreement constituting the conspiracy, or a party's agent, did anything in Northern Ireland in relation to the agreement before its formation, or
(b) a party to it became a party in Northern Ireland (by joining it either in person or through an agent), or
(c) a party to it, or a party's agent, did or omitted anything in Northern Ireland in pursuance of it,

Changes to legislation: The Criminal Justice (Northern Ireland) Order 1996, Section 42 is up to date with all changes known to be in force on or before 16 April 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](#)

and the conspiracy would be triable in Northern Ireland but for the fraud which the parties to it had in view not being intended to take place in Northern Ireland.

(4) Paragraphs (2) and (3) are subject to Article 43.

Modifications etc. (not altering text)

C1 Art. 42(2) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(1), 94(1), **Sch. 6 para. 33(b)** (with Sch. 13 para. 5); S.I. 2008/2504, **art. 2(a)**

Changes to legislation:

The Criminal Justice (Northern Ireland) Order 1996, Section 42 is up to date with all changes known to be in force on or before 16 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- [Instrument rev. in pt. by 1998 c. 40 s.9\(1\)\(2\)Sch.1 Pt.II para.10Sch.2 Pt.II](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Sch. 2 para. 9\(1\)\(a\)\(i\) words repealed by 2015 c. 9 \(N.I.\) Sch. 1 para. 112\(5\)\(e\)Sch. 9 Pt. 1](#)
- [art. 44A\(4\) words substituted by S.I. 2008/1216 \(N.I.\) Sch. 5 para. 7\(9\)](#) (This amendment not applied to [legislation.gov.uk](#). It is thought that the correct affected document should be S.I. 1998/1504 (N.I. 9), art. 44A(4). The correction will be made as soon as we get the approved amended document from the relevant office)
- [art. 53\(1\) art. 53 renumbered as art. 53\(1\) by 2019 c. 17 s. 44\(6\)](#)
- [art. 53\(1\)\(a\) substituted by 2019 c. 17 s. 43\(2\)](#)
- [art. 53\(2\)-\(9\) inserted by 2019 c. 17 s. 44\(7\)](#)
- [art. 54A inserted by 2019 c. 17 s. 37\(3\)](#)