



Criminal Law Act 1977

1977 CHAPTER 45

PART I

CONSPIRACY

[^{F1}1A Conspiracy to commit offences outside [^{F2}England and Wales].

- (1) Where each of the following conditions is satisfied in the case of an agreement, this Part of this Act has effect in relation to the agreement as it has effect in relation to an agreement falling within section 1(1) above.
- (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}England and Wales].
- (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 section 1(1) above as an agreement relating to the commission of an offence but for the fact that the offence would not be an offence triable in England and Wales 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 England and Wales in relation to the agreement before its formation, or
 - (b) a party to the agreement became a party in England and Wales (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 England and Wales in pursuance of the agreement.
- (6) In the application of this Part of this Act 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

Changes to legislation: Criminal Law Act 1977, Section 1A is up to date with all changes known to be in force on or before 08 May 2023. 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

to what would be the offence in question but for the fact that it is not an offence triable in England and Wales.

- (7) Conduct punishable under the law in force in any country or territory is an offence under that law for the purposes of this section, however it is described in that law.
- (8) Subject to subsection (9) below, 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
 - (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 subsection (8) above.
- (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) section 9(3) of the ^{M1}Criminal Justice Act 1987 (preparatory hearing in fraud cases), and
 - (b) section 31(3) of the ^{M2}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 England and Wales if the message is sent or received in England and Wales.
- (12) In any proceedings in respect of an offence triable by virtue of this section, 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 of this Act) to an offence of conspiracy to commit an offence include an offence triable in England and Wales as such a conspiracy by virtue of this section (without prejudice to subsection (6) above).
- [^{F4}(14) Nothing in this section 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(1) of the Coroners and Justice Act 2009, this section applies as if in subsection (2) for “England and Wales” there were substituted “ the United Kingdom ”.
- (16) Nothing in this section imposes criminal liability on any person acting on behalf of, or holding office under, the Crown.]]

Textual Amendments

- F1** S. 1A inserted (4.9.1998) by 1998 c. 40, s. 5(1).
- F2** Words in s. 1A title substituted (1.2.2010) by Coroners and Justice Act 2009 (c. 25), ss. 72(1)(a), 182(5) (with s. 180, Sch. 22); S.I. 2010/145, art. 2(2), Sch. para. 5
- F3** Words in s. 1A(2) substituted (1.2.2010) by Coroners and Justice Act 2009 (c. 25), ss. 72(1)(a), 182(5) (with s. 180, Sch. 22); S.I. 2010/145, art. 2(2), Sch. para. 5

Changes to legislation: Criminal Law Act 1977, Section 1A is up to date with all changes known to be in force on or before 08 May 2023. 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](#)

F4 S. 1A(14)-(16) substituted for s. 1A(14) (1.2.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 72\(1\)\(b\)](#), [182\(5\)](#) (with s. 180, Sch. 22); [S.I. 2010/145](#), art. 2(2), Sch. para. 5

Marginal Citations

M1 1987 c. 38.

M2 1996 c. 25.

Changes to legislation:

Criminal Law Act 1977, Section 1A is up to date with all changes known to be in force on or before 08 May 2023. 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 the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

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

- s. 38A(5)(ia) by [2000 c. 43 Sch. 7 para. 55](#)
- s. 38B(5)(a) by [2000 c. 43 Sch. 7 para. 56](#)