



# Criminal Attempts Act 1981

## 1981 CHAPTER 47

### PART I

#### ATTEMPTS ETC.

##### *Attempt*

#### **1 Attempting to commit an offence.**

- (1) If, with intent to commit an offence to which this section applies, a person does an act which is more than merely preparatory to the commission of the offence, he is guilty of attempting to commit the offence.

[<sup>F1</sup>(1A) Subject to section 8 of the Computer Misuse Act 1990 (relevance of external law), if this subsection applies to an act, what the person doing it had in view shall be treated as an offence to which this section applies.

(1B) Subsection (1A) above applies to an act if—

- (a) it is done in England and Wales; and
- (b) it would fall within subsection (1) above as more than merely preparatory to the commission of an offence under section 3 of the Computer Misuse Act 1990 but for the fact that the offence, if completed, would not be an offence triable in England and Wales.]

- (2) A person may be guilty of attempting to commit an offence to which this section applies even though the facts are such that the commission of the offence is impossible.

(3) In any case where—

- (a) apart from this subsection a person's intention would not be regarded as having amounted to an intent to commit an offence; but
- (b) if the facts of the case had been as he believed them to be, his intention would be so regarded,

then, for the purposes of subsection (1) above, he shall be regarded as having had an intent to commit that offence.

*Changes to legislation: There are currently no known outstanding effects for the Criminal Attempts Act 1981, Cross Heading: Attempt. (See end of Document for details)*

(4) This section applies to any offence which, if it were completed, would be triable in England and Wales as an indictable offence, other than—

- (a) conspiracy (at common law or under section 1 of the <sup>M1</sup>Criminal Law Act 1977 or any other enactment);
- (b) aiding, abetting, counselling, procuring or suborning the commission of an offence;
- [<sup>F2</sup>(ba) an offence under section 2(1) of the Suicide Act 1961 (c. 60) (encouraging or assisting suicide);]
- (c) offences under section 4(1) (assisting offenders) or 5(1) (accepting or agreeing to accept consideration for not disclosing information about an arrestable offence) of the <sup>M2</sup>Criminal Law Act 1967;
- [<sup>F3</sup>(d) an offence under section 184(1) of the Online Safety Act 2023 (encouraging or assisting serious self-harm).]

[<sup>F4</sup>(5) This section also applies to low-value shoplifting (which is defined in, and is triable only summarily by virtue of, section 22A of the Magistrates' Courts Act 1980).]

#### Textual Amendments

- F1** S. 1(1A)(1B) inserted by [Computer Misuse Act 1990 \(c. 18, SIF 39:1\)](#), **s. 7(3)**
- F2** S. 1(4)(ba) inserted (1.2.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), **Sch. 21 para. 58** (with s. 180); [S.I. 2010/145](#), art. 2(2), **Sch. para. 25(a)**
- F3** [S. 1\(4\)\(d\)](#) inserted (31.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), s. 240(1), **Sch. 14 para. 9**; [S.I. 2024/31](#), reg. 2
- F4** S. 1(5) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 176(5)(a)**, 185(1) (with **ss. 8, 21, 33, 42, 58, 75, 93, 176(8)**); [S.I. 2014/949](#), art. 3, **Sch. para. 17**

#### Modifications etc. (not altering text)

- C1** S. 1(4) modified (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), **ss. 42(6), 43(2), 47(3), 383(2)**; [S.I. 2009/812](#), **art. 3(a)(b)**; [S.I. 2009/1167](#), **art. 4** (with transitional provisions in [S.I. 2009/1059](#))

#### Marginal Citations

- M1** 1977 c. 45.
- M2** 1967 c. 58.

### [<sup>F5</sup>1A Extended jurisdiction in relation to certain attempts.

- (1) If this section applies to an act, what the person doing the act had in view shall be treated as an offence to which section 1(1) above applies.
- (2) This section applies to an act if—
  - (a) it is done in England and Wales, and
  - (b) it would fall within section 1(1) above 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 England and Wales.
- (3) In this section “Group A offence” has the same meaning as in Part 1 of the Criminal Justice Act 1993.

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- (4) Subsection (1) above is subject to the provisions of section 6 of the Act of 1993 (relevance of external law).
- (5) Where a person does any act to which this section applies, the offence which he commits shall for all purposes be treated as the offence of attempting to commit the relevant Group A offence.]

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**Textual Amendments**

**F5** S. 1A inserted (1.6.1999) by 1993 c. 36, ss. 1(1), 5(2); S.I. 1999/1189, art. 2

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**Modifications etc. (not altering text)**

**C2** S. 1A restricted (1.6.1999) by 1993 c. 36, ss. 1(1), 6(2); S.I. 1999/1189, art. 2

## 2 Application of procedural and other provisions to offences under s. 1.

- (1) Any provision to which this section applies shall have effect with respect to an offence under section 1 above of attempting to commit an offence as it has effect with respect to the offence attempted.
- (2) This section applies to provisions of any of the following descriptions made by or under any enactment (whenever passed)—
- (a) provisions whereby proceedings may not be instituted or carried on otherwise than by, or on behalf or with the consent of, any person (including any provisions which also make other exceptions to the prohibition);
  - (b) provisions conferring power to institute proceedings;
  - (c) provisions as to the venue of proceedings;
  - (d) provisions whereby proceedings may not be instituted after the expiration of a time limit;
  - (e) provisions conferring a power of arrest or search;
  - (f) provisions conferring a power of seizure and detention of property;
  - (g) provisions whereby a person may not be convicted [<sup>F6</sup>or committed for trial] on the uncorroborated evidence of one witness (including any provision requiring the evidence of not less than two credible witnesses);
  - (h) provisions conferring a power of forfeiture, including any power to deal with anything liable to be forfeited;
    - (i) provisions whereby, if an offence committed by a body corporate is proved to have been committed with the consent or connivance of another person, that person also is guilty of the offence.

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**Textual Amendments**

**F6** Words in s. 2(2)(g) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 52, Sch. 37 Pt. 4; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)

**Changes to legislation:**

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