



# Criminal Justice Act 1993

## 1993 CHAPTER 36

### PART I

#### JURISDICTION

#### **1 Offences to which this Part applies.**

- (1) This Part applies to two groups of offences—
- (a) any offence mentioned in subsection (2) (a “Group A offence”); and
  - (b) any offence mentioned in subsection (3) (a “Group B offence”).
- (2) The Group A offences are—
- (a) an offence under any of the following provisions of the <sup>M1</sup>Theft Act 1968—
    - section 1 (theft);
    - <sup>F1</sup>...
    - <sup>F1</sup>...
    - <sup>F1</sup>...
    - section 17 (false accounting);
    - section 19 (false statements by company directors, etc.);
    - <sup>F1</sup>...
    - section 21 (blackmail);
    - section 22 (handling stolen goods);
    - [<sup>F2</sup>section 24A (retaining credits from dishonest sources, etc.)]
  - <sup>F3</sup>(b) .....
  - [<sup>F4</sup>(bb) an offence under any of the following provisions of the Fraud Act 2006—
    - (i) section 1 (fraud);
    - (ii) section 6 (possession etc. of articles for use in frauds);
    - (iii) section 7 (making or supplying articles for use in frauds);
    - (iv) section 9 (participating in fraudulent business carried on by sole trader etc.);
    - (v) section 11 (obtaining services dishonestly).]

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- (c) an offence under any of the following provisions of the <sup>M2</sup>Forgery and Counterfeiting Act 1981—
- section 1 (forgery);
  - section 2 (copying a false instrument);
  - section 3 (using a false instrument);
  - section 4 (using a copy of a false instrument);
  - section 5 (offences which relate to money orders, share certificates, passports, etc.);
  - <sup>F5</sup>section 14 (offences of counterfeiting notes and coins);
  - <sup>F5</sup>section 15 (offences of passing etc counterfeit notes and coins);
  - <sup>F5</sup>section 16 (offences involving the custody or control of counterfeit notes and coins);
  - <sup>F5</sup>section 17 (offences involving the making or custody or control of counterfeiting materials and implements);
  - <sup>F5</sup>section 20 (prohibition of importation of counterfeit notes and coins);
  - <sup>F5</sup>section 21 (prohibition of exportation of counterfeit notes and coins);
- <sup>F6</sup>(ca) an offence under any of sections 4 to 6 of the Identity Documents Act 2010;
- (d) the common law offence of cheating in relation to the public revenue.
- (3) The Group B offences are—
- (a) conspiracy to commit a Group A offence;
  - (b) conspiracy to defraud;
  - (c) attempting to commit a Group A offence;
  - (d) incitement to commit a Group A offence.
- (4) The Secretary of State may by order amend subsection (2) or (3) by adding or removing any offence.
- (5) The power to make such an order shall be exercisable by statutory instrument.
- (6) No order shall be made under subsection (4) unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

#### Textual Amendments

- F1** Words in s. 1(2)(a) repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\), s. 15\(1\), Sch. 1 para. 24\(1\), Sch. 3; S.I. 2006/3200, art. 2](#)
- F2** S. 1(2): entry relating to s. 24A inserted (18.12.1996) by [1996 c. 62, s. 3\(3\)](#)
- F3** S. 1(2)(b) repealed (15.1.2007) by [Fraud Act 2006 \(c. 35\), s. 15\(1\), Sch. 1 para. 24\(2\), Sch. 3; S.I. 2006/3200, art. 2](#)
- F4** S. 1(2)(bb) inserted (15.1.2007) by [Fraud Act 2006 \(c. 35\), s. 15\(1\), Sch. 1 para. 24\(3\); S.I. 2006/3200, art. 2](#)
- F5** Entries in s. 1(2)(c) inserted (1.8.2000) by [S.I. 2000/1878, art. 2](#)
- F6** S. 1(2)(ca) substituted (21.1.2011) by [Identity Documents Act 2010 \(c. 40\), s. 14\(2\), Sch. para. 8](#)

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

- C1** S. 1(3)(d) modified (1.10.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 6 para. 21\(a\) \(with Sch. 13 para. 5\); S.I. 2008/2504, art. 2\(a\)](#)

#### Marginal Citations

- M1** [1968 c. 60.](#)

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M2 1981 c. 45.

## 2 Jurisdiction in respect of Group A offences.

(1) For the purposes of this Part, “relevant event”, in relation to any Group A offence, means [<sup>F7</sup>(subject to subsection (1A))] any act or omission or other event (including any result of one or more acts or omissions) proof of which is required for conviction of the offence.

[<sup>F8</sup>(1A) In relation to an offence under section 1 of the Fraud Act 2006 (fraud), “relevant event” includes—

- (a) if the fraud involved an intention to make a gain and the gain occurred, that occurrence;
- (b) if the fraud involved an intention to cause a loss or to expose another to a risk of loss and the loss occurred, that occurrence.]

(2) For the purpose of determining whether or not a particular event is a relevant event in relation to a Group A offence, any question as to where it occurred is to be disregarded.

(3) A person may be guilty of a Group A offence if any of the events which are relevant events in relation to the offence occurred in England and Wales.

### Textual Amendments

**F7** Words in s. 2(1) inserted (15.1.2007) by [Fraud Act 2006 \(c. 35\), s. 15\(1\), Sch. 1 para. 25\(2\)](#); S.I. 2006/3200, art. 2

**F8** [S. 2\(1A\)](#) inserted (15.1.2007) by [Fraud Act 2006 \(c. 35\), s. 15\(1\), Sch. 1 para. 25\(3\)](#); S.I. 2006/3200, art. 2

## 3 Questions immaterial to jurisdiction in the case of certain offences.

(1) A person may be guilty of a Group A or Group B offence whether or not—

- (a) he was a British citizen at any material time;
- (b) he was in England and Wales at any such time.

(2) On a charge of conspiracy to commit a Group A offence, or on a charge of conspiracy to defraud in England and Wales, the defendant may be guilty of the offence whether or not—

- (a) he became a party to the conspiracy in England and Wales;
- (b) any act or omission or other event in relation to the conspiracy occurred in England and Wales.

(3) On a charge of attempting to commit a Group A offence, the defendant may be guilty of the offence whether or not—

- (a) the attempt was made in England and Wales;
- (b) it had an effect in England and Wales.

(4) Subsection (1)(a) does not apply where jurisdiction is given to try the offence in question by an enactment which makes provision by reference to the nationality of the person charged.

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- (5) Subsection (2) does not apply in relation to any charge under the <sup>M3</sup>Criminal Law Act 1977 brought by virtue of section 1A of that Act.
- (6) Subsection (3) does not apply in relation to any charge under the <sup>M4</sup>Criminal Attempts Act 1981 brought by virtue of section 1A of that Act.

**Marginal Citations**

**M3** 1977 c. 45.  
**M4** 1981 c. 47.

**4 Rules for determining certain jurisdictional questions relating to the location of events.**

In relation to a Group A or Group B offence—

- (a) there is an obtaining of property in England and Wales if the property is either despatched from or received at a place in England and Wales; and
- (b) there is a communication in England and Wales of any information, instruction, request, demand or other matter if it is sent by any means—
  - (i) from a place in England and Wales to a place elsewhere; or
  - (ii) from a place elsewhere to a place in England and Wales.

**5 Conspiracy, attempt and incitement.**

<sup>F9</sup>(1) . . . . .

(2) The following section shall be inserted in the <sup>M5</sup>Criminal Attempts Act 1981, after section 1—

**“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.
- (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.”.

(3) A person may be guilty of conspiracy to defraud if—

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- (a) a party to the agreement constituting the conspiracy, or a party's agent, did anything in England and Wales in relation to the agreement before its formation, or
  - (b) a party to it became a party in England and Wales (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 England and Wales in pursuance of it,
- and the conspiracy would be triable in England and Wales but for the fraud which the parties to it had in view not being intended to take place in England and Wales.
- (4) A person may be guilty of incitement to commit a Group A offence if the incitement—
- (a) takes place in England and Wales; and
  - (b) would be triable in England and Wales but for what the person charged had in view not being an offence triable in England and Wales.
- (5) Subsections (3) and (4) are subject to section 6.

#### Textual Amendments

**F9** S. 5(1) repealed (4.9.1998) by 1998 c. 40, s. 9(1)(2), Sch. 1 Pt. II para. 7(1), **Sch. 2 Pt. II** (with s. 9(3))

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

**C2** S. 5(4) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 21(b)** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

#### Commencement Information

**II** S. 5 partly in force; s. 5 not in force at Royal Assent see s. 78; s. 5(2) in force at (1.6.1999) by S.I. 1999/1189, **art. 2**; s. 5(3)–(5) in force at (1.6.1999) by S.I. 1999/1499, **art. 2**

#### Marginal Citations

**M5** 1981 c. 47.

## 6 Relevance of external law.

- (1) A person is guilty of an offence triable <sup>F10</sup>. . . by virtue of section 5(3), only if the pursuit of the agreed course of conduct would at some stage involve—
- (a) an act or omission by one or more of the parties, or
  - (b) the happening of some other event,
- constituting an offence under the law in force where the act, omission or other event was intended to take place.
- (2) A person is guilty of an offence triable by virtue of section 1A of the <sup>M6</sup>Criminal Attempts Act 1981, or by virtue of section 5(4), only if what he had in view would involve the commission of an offence under the law in force where the whole or any part of it was intended to take place.
- (3) Conduct punishable under the law in force in any place is an offence under that law for the purposes of this section, however it is described in that law.
- (4) Subject to subsection (6), a condition specified in subsection (1) or (2) shall be taken to be satisfied unless, not later than rules of court may provide, the defence serve on the prosecution a notice—

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- (a) stating that, on the facts as alleged with respect to the relevant 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.
- (5) In subsection (4) “the relevant conduct” means—
- (a) where the condition in subsection (1) is in question, the agreed course of conduct; and
  - (b) where the condition in subsection (2) is in question, what the defendant had in view.
- (6) The court, if it thinks fit, may permit the defence to require the prosecution to show that the condition is satisfied without the prior service of a notice under subsection (4).
- (7) In the Crown Court, the question whether the condition is satisfied shall be decided by the judge alone.
- (8) The following paragraph shall be inserted in section 9(3) of the<sup>M7</sup>Criminal Justice Act 1987 (preparatory hearing in a case of serious fraud), before paragraph (b)—
- “(aa) a question arising under section 6 of the Criminal Justice Act 1993 (relevance of external law to certain charges of conspiracy, attempt and incitement);”.

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**Textual Amendments**

**F10** Words in s. 6(1) repealed (4.9.1998) by 1998 c. 40, s. 9(1)(2), Sch. 1 Pt. II para. 7(2), **Sch. 2 Pt. II** (with s. 9(3))

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**Marginal Citations**

**M6** 1981 c. 47.

**M7** 1987 c. 38.

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice Act 1993, PART I.