



# Sexual Offences (Conspiracy and Incitement) Act 1996

1996 CHAPTER 29

*England and Wales and Northern Ireland*

<sup>F1</sup> .....

## Textual Amendments

<sup>F1</sup> S. 1 repealed (4.9.1998) by 1998 c. 40, s. 9(1)(2), Sch. 1 Pt. II para. 9(1), Sch. 2 Pt. II (with s. 9(3)).

## 2 Incitement to commit certain sexual acts outside the United Kingdom.

- (1) This section applies where—
- (a) any act done by a person in England and Wales would amount to the offence of incitement to commit a listed sexual offence but for the fact that what he had in view would not be an offence triable in England and Wales,
  - (b) the whole or part of what he had in view was intended to take place in a country or territory outside the United Kingdom, and
  - (c) what he had in view would involve the commission of an offence under the law in force in that country or territory.
- (2) Where this section applies—
- (a) what he had in view is to be treated as that listed sexual offence for the purposes of any charge of incitement brought in respect of that act, and
  - (b) any such charge is accordingly triable in England and Wales.
- (3) Any act [<sup>F2</sup>done] by means of a message (however communicated) is to be treated as done in England and Wales if the message is sent or received in England and Wales.

*Changes to legislation: There are currently no known outstanding effects for the Sexual Offences (Conspiracy and Incitement) Act 1996, Cross Heading: England and Wales and Northern Ireland. (See end of Document for details)*

#### Textual Amendments

- F2** Word in s. 2(3) substituted (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 6 para. 60](#) (with [Sch. 13 para. 5](#)); S.I. 2008/2504, art. 2(a)

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

- C1** S. 2(1)(2) modified (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 6 para. 30\(a\)](#) (with [Sch. 13 para. 5](#)); S.I. 2008/2504, art. 2(a)

### 3 Sections 1 and 2: supplementary.

- (1) Conduct punishable under the law in force in any country or territory is an offence under that law for the purposes of [<sup>F3</sup>section 2], however it is described in that law.
- (2) Subject to subsection (3), a condition in section <sup>F4</sup>. . . 2(1)(c) is to be taken to be satisfied unless, not later than rules of court may provide, the defence serve on the prosecution a notice—
- stating that, on the facts as alleged with respect to [<sup>F5</sup>what the accused had in view], the condition is not in their opinion satisfied,
  - showing their grounds for that opinion, and
  - requiring the prosecution to show that it is satisfied.

<sup>F6</sup>(3) . . . . .

- (4) 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 (2).
- (5) In the Crown Court the question whether the condition is satisfied is to be decided by the judge alone.
- (6) In any proceedings in respect of any offence triable by virtue of section <sup>F7</sup>. . . 2, 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.

<sup>F8</sup>(7) . . . . .

- (8) References to an offence of incitement to commit a listed sexual offence include an offence triable in England and Wales as such an incitement by virtue of section 2 (without prejudice to subsection (2) of that section).
- (9) [<sup>F9</sup>Subsection (8) applies] to references in any enactment, instrument or document (except those in [<sup>F9</sup>section 2] of this Act and in Part I of the <sup>M1</sup>Criminal Law Act 1977).

#### Textual Amendments

- F3** Words in s. 3(1) substituted (4.9.1998) by [1998 c. 40](#), s. 9(1)(2), [Sch. 1 Pt. II para. 9\(2\)\(a\)](#) (with s. 9(3)).
- F4** Words in s. 3(2) repealed (4.9.1998) by [1998 c. 40](#), s. 9(1)(2), [Sch. 1 Pt. II para. 9\(2\)\(b\)\(i\)](#), [Sch. 2 Pt. II](#) (with s. 9(3)).
- F5** Words in s. 3(2) substituted (4.9.1998) by [1998 c. 40](#), s. 9(1)(2), [Sch. 1 Pt. II para. 9\(2\)\(b\)\(ii\)](#) (with s. 9(3)).
- F6** S. 3(3) repealed (4.9.1998) by [1998 c. 40](#), s. 9(1)(2), [Sch. 1 Pt. II para. 9\(2\)\(c\)](#), [Sch. 2 Pt. II](#) (with s. 9(3)).

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**Changes to legislation:** There are currently no known outstanding effects for the Sexual Offences (Conspiracy and Incitement) Act 1996, Cross Heading: England and Wales and Northern Ireland. (See end of Document for details)

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- F7** Words in s. 3(6) repealed (4.9.1998) by 1998 c. 40, s. 9(1)(2), Sch. 1 Pt. II para. 9(2)(d), **Sch. 2 Pt. II** (with s. 9(3)).
- F8** S. 3(7) repealed (4.9.1998) by 1998 c. 40, s. 9(1)(2), Sch. 1 Pt. II para. 9(2)(e), **Sch. 2 Pt. II** (with s. 9(3)).
- F9** Words in s. 3(9) substituted (4.9.1998) by 1998 c. 40, s. 9(1)(2), **Sch. 1 Pt. II para. 9(2)(f)**(with s. 9(3)).

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

- C2** S. 3(8) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 6 para. 30(b)** (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

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**Marginal Citations**

- M1** 1977 c. 45.

**4 Northern Ireland.**

In the application of the preceding provisions to Northern Ireland—

- (a) any reference to England and Wales is to Northern Ireland,
- <sup>F10</sup>(b) .....
- <sup>F10</sup>(c) .....

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**Textual Amendments**

- F10** S. 4(b)(c) repealed (4.9.1998) by 1998 c. 40, s. 9(1)(2), Sch. 1 Pt. II para. 9(3), **Sch. 2 Pt. II** (with s. 9(3)).

**5 Interpretation.**

In this Act “listed sexual offence” has the meaning given by the Schedule.

**Changes to legislation:**

There are currently no known outstanding effects for the Sexual Offences (Conspiracy and Incitement) Act 1996, Cross Heading: England and Wales and Northern Ireland.