



Criminal Law Act 1977

1977 CHAPTER 45

PART I

CONSPIRACY

5 Abolitions, savings, transitional provisions, consequential amendment and repeals.

- (1) Subject to the following provisions of this section, the offence of conspiracy at common law is hereby abolished.
- (2) Subsection (1) above shall not affect the offence of conspiracy at common law so far as relates to conspiracy to defraud, . . . ^{F1}.
- (3) Subsection (1) above shall not affect the offence of conspiracy at common law if and in so far as it may be committed by entering into an agreement to engage in conduct which—
 - (a) tends to corrupt public morals or outrages public decency; but
 - (b) would not amount to or involve the commission of an offence if carried out by a single person otherwise than in pursuance of an agreement.
- (4) Subsection (1) above shall not affect—
 - (a) any proceedings commenced before the time when this Part of this Act comes into force;
 - (b) any proceedings commenced after that time against a person charged with the same conspiracy as that charged in any proceedings commenced before that time; or
 - (c) any proceedings commenced after that time in respect of a trespass committed before that time;

but a person convicted of conspiracy to trespass in any proceedings brought by virtue of paragraph (c) above shall not in respect of that conviction be liable to imprisonment for a term exceeding six months.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Criminal Law Act 1977, Section 5 is up to date with all changes known to be in force on or before 09 June 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)

- (5) Sections 1 and 2 above shall apply to things done before as well as to things done after the time when this Part of this Act comes into force, but in the application of section 3 above to a case where the agreement in question was entered into before that time—
- (a) subsection (2) shall be read without the reference to murder in paragraph (a); and
 - (b) any murder intended under the agreement shall be treated as an offence for which a maximum term of imprisonment of ten years is provided.
- (6) The rules laid down by sections 1 and 2 above shall apply for determining whether a person is guilty of an offence of conspiracy under any enactment other than section 1 above, but conduct which is an offence under any such other enactment shall not also be an offence under section 1 above.
- (7) Incitement . . . ^{F2} to commit the offence of conspiracy (whether the conspiracy incited . . . ^{F2} would be an offence at common law or under section 1 above or any other enactment) shall cease to be offences.
- (8) The fact that the person or persons who, so far as appears from the indictment on which any person has been convicted of conspiracy, were the only other parties to the agreement on which his conviction was based have been acquitted of conspiracy by reference to that agreement (whether after being tried with the person convicted or separately) shall not be a ground for quashing his conviction unless under all the circumstances of the case his conviction is inconsistent with the acquittal of the other person or persons in question.
- (9) Any rule of law or practice inconsistent with the provisions of subsection (8) above is hereby abolished.
- ^{X1}(10) In section 4 of the ^{M1}Offences against the Person Act 1861—
- (a) the words preceding “Whosoever” shall cease to have effect; and
 - (b) for the words from “be kept” to “years” there shall be substituted the words “imprisonment for life”.
- ^{X1}(11) Section 3 of the ^{M2}Conspiracy and Protection of Property Act 1875 shall cease to have effect.

Editorial Information

- X1** The text of ss. 5(10)(11), 15(2), 17, 30(1)(2), 31(10), 32(3), 46, 49, 52, 57, 63(1), 65(4)(5), Sch. 13 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

- F1** Words repealed by [Criminal Justice Act 1987 \(c. 38, SIF 39:1\)](#), s. 12(2)
- F2** Words repealed by [Criminal Attempts Act 1981 \(c. 38, SIF 39:1\)](#), Sch. Pt. I

Marginal Citations

- M1** [1861 c. 100.](#)
- M2** [1875 c. 86.](#)

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