



# 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.
- (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.
- (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 Criminal Law Act 1977 or any other enactment);
  - (b) aiding, abetting, counselling, procuring or suborning the commission of an offence;
  - (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 Criminal Law Act 1967.

## **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 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.