



# Sexual Offences (Conspiracy and Incitement) Act 1996

## 1996 CHAPTER 29

*England and Wales and Northern Ireland*

### **1 Conspiracy to commit certain sexual acts outside the United Kingdom**

- (1) Where each of the following conditions is satisfied in the case of any agreement, Part I of the Criminal Law Act 1977 (conspiracy) has effect in relation to the agreement as it has effect in relation to an agreement falling within section 1(1) of that Act.
- (2) The first condition is that the pursuit of the agreed course of conduct would at some stage involve—
  - (a) an act by one or more of the parties, or
  - (b) the happening of some other event,intended to take place in a country or territory outside the United Kingdom.
- (3) The second condition is that that act or other event constitutes an offence under the law in force in that country or territory.
- (4) The third condition is that the agreement would fall within section 1(1) of that Act as an agreement relating to the commission of a listed sexual offence but for the fact that the offence would not be an offence triable in England and Wales if committed in accordance with the parties' intentions.
- (5) The fourth condition is that—
  - (a) a party to the agreement, or a party's agent, did anything in England and Wales in relation to the agreement before its formation, or
  - (b) a party to the agreement became a party in England and Wales (by joining it either in person or through an agent), or
  - (c) a party to the agreement, or a party's agent, did or omitted anything in England and Wales in pursuance of the agreement.

- (6) In the application of Part I of that Act to such an agreement, any reference to an offence is to be read as a reference to what would be the listed sexual offence in question but for the fact that it is not an offence triable in England and Wales.

## **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 of incitement 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.

## **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 sections 1 and 2, however it is described in that law.
- (2) Subject to subsection (3), a condition in section 1(3) or 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—
- (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.
- (3) In subsection (2) “the relevant conduct” means—
- (a) where the condition in section 1(3) is in question, the agreed course of conduct, and
  - (b) where the condition in section 2(1)(c) is in question, what the accused had in view.
- (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 1 or 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.

- (7) References to an offence of conspiracy to commit a listed sexual offence include an offence triable in England and Wales as such a conspiracy by virtue of section 1 (without prejudice to subsection (6) of that section).
- (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) Subsections (7) and (8) apply to references in any enactment, instrument or document (except those in sections 1 and 2 of this Act and in Part I of the Criminal Law Act 1977).

#### **4 Northern Ireland**

In the application of the preceding provisions to Northern Ireland—

- (a) any reference to England and Wales is to Northern Ireland,
- (b) any reference to Part I of the Criminal Law Act 1977 is to Part IV of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983, and
- (c) any reference to section 1(1) of that Act is to Article 9(1) of that Order.

#### **5 Interpretation**

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