



Sexual Offences (Conspiracy and Incitement) Act 1996

1996 CHAPTER 29

England and Wales and Northern Ireland

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 [^{F1}section 2], however it is described in that law.
- (2) Subject to subsection (3), a condition in section ^{F2}. . . 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 [^{F3}what the accused had in view], 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.
- ^{F4}(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 ^{F5}. . . 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.
- ^{F6}(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).

Changes to legislation: There are currently no known outstanding effects for the Sexual Offences (Conspiracy and Incitement) Act 1996, Section 3. (See end of Document for details)

(9) [^{F7}Subsection (8) applies] to references in any enactment, instrument or document (except those in [^{F7}section 2] of this Act and in Part I of the ^{M1}Criminal Law Act 1977).

Textual Amendments

- F1** 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)).
- F2** Words in s. 3(2) repealed (4.9.1998) by 1998 c. 40, s. 9(1)(2), Sch. 1 Pt.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)).
- F3** 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)).
- F4** S. 3(3) repealed (4.9.1998) by 1998 c. 40, s. 9(1)(2), Sch. 1 Pt.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)).
- F5** 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)).
- F6** 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)).
- F7** 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)).

Modifications etc. (not altering text)

- C1** 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)

Marginal Citations

- M1** 1977 c. 45.

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