



# 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 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.

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*Status: This is the original version (as it was originally enacted).*

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- (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).