



Criminal Attempts Act 1981

1981 CHAPTER 47

PART I

ATTEMPTS ETC.

Trial etc. of offences of attempt

4 Trial and penalties.

- (1) A person guilty by virtue of section 1 above of attempting to commit an offence shall—
 - (a) if the offence attempted is murder or any other offence the sentence for which is fixed by law, be liable on conviction on indictment to imprisonment for life; and
 - (b) if the offence attempted is indictable but does not fall within paragraph (a) above, be liable on conviction on indictment to any penalty to which he would have been liable on conviction on indictment of that offence; and
 - (c) if the offence attempted is triable either way, be liable on summary conviction to any penalty to which he would have been liable on summary conviction of that offence.
- (2) In any case in which a court may proceed to summary trial of an information charging a person with an offence and an information charging him with an offence under section 1 above of attempting to commit it or an attempt under a special statutory provision, the court may, without his consent, try the informations together.
- (3) Where, in proceedings against a person for an offence under section 1 above, there is evidence sufficient in law to support a finding that he did an act falling within subsection (1) of that section, the question whether or not his act fell within that subsection is a question of fact.
- (4) Where, in proceedings against a person for an attempt under a special statutory provision, there is evidence sufficient in law to support a finding that he did an act falling within subsection (3) of section 3 above, the question whether or not his act fell within that subsection is a question of fact.

Status: Point in time view as at 25/08/2000. This version of this provision has been superseded.

Changes to legislation: Criminal Attempts Act 1981, Section 4 is up to date with all changes known to be in force on or before 04 May 2024. 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) Subsection (1) above shall have effect—

- (a) subject to section 37 of and Schedule 2 to the ^{M1}Sexual Offences Act 1956 (mode of trial of and penalties for attempts to commit certain offences under that Act); and
- (b) notwithstanding anything—
 - (i) in section 32(1) (no limit to fine on conviction on indictment) of the ^{M2}Criminal Law Act 1977; or
 - (ii) in [^{F1}section 78(1) and (2)] (maximum of six months' imprisonment on summary conviction unless express provision made to the contrary) of [^{F2}the Powers of Criminal Courts (Sentencing) Act 2000].

Textual Amendments

F1 Words in s. 4(5)(b)(ii) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 82(a)**

F2 Words in s. 4(5)(b)(ii) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 82(b)**

Marginal Citations

M1 1956 c. 69.

M2 1977 c. 45.

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