



Criminal Justice (Terrorism and Conspiracy) Act 1998

1998 CHAPTER 40

Conspiracy to commit offences outside the United Kingdom

7 **Scotland.**

- (1) The following section shall be inserted after section 11 of the ^{M1}Criminal Procedure (Scotland) Act 1995 (certain offences committed outside Scotland)—

“11A Conspiracy to commit offences outside the United Kingdom.

- (1) This section applies to any act done by a person in Scotland which would amount to conspiracy to commit an offence but for the fact that the criminal purpose is intended to occur in a country or territory outside the United Kingdom.
- (2) Where a person does an act to which this section applies, the criminal purpose shall be treated as the offence mentioned in subsection (1) above and he shall, accordingly, be guilty of conspiracy to commit the offence.
- (3) A person is guilty of an offence by virtue of this section only if the criminal purpose would involve at some stage—
- (a) an act by him or another party to the conspiracy; or
 - (b) the happening of some other event,
- constituting an offence under the law in force in the country or territory where the act or other event was intended to take place; and conduct punishable under the law in force in the country or territory is an offence under that law for the purposes of this section however it is described in that law.
- (4) Subject to subsection (6) below, a condition specified in subsection (3) above shall be taken to be satisfied unless, not later than such time as High Court may, by Act of Adjournal, prescribe, the accused serves on the prosecutor a notice—

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Terrorism and Conspiracy) Act 1998, Section 7. (See end of Document for details)

- (a) stating that, on the facts as alleged with respect to the relevant conduct, the condition is not in his opinion satisfied;
 - (b) setting out the grounds for his opinion; and
 - (c) requiring the prosecutor to prove that the condition is satisfied.
- (5) In subsection (4) above “the relevant conduct” means the agreement to effect the criminal purpose.
- (6) The court may permit the accused to require the prosecutor to prove that the condition mentioned in subsection (4) above is satisfied without the prior service of a notice under that subsection.
- (7) In proceedings on indictment, the question whether a condition is satisfied shall be determined by the judge alone.
- (8) Nothing in this section—
- (a) applies to an act done before the day on which the Criminal Justice (Terrorism and Conspiracy) Act 1998 was passed, or
 - (b) imposes criminal liability on any person acting on behalf of, or holding office under, the Crown.”

Marginal Citations

M1 1995 c. 43.

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