
STATUTORY INSTRUMENTS

1983 No. 1120 (N.I. 13)

The Criminal Attempts and Conspiracy (Northern Ireland) Order 1983

- - - - - 27th July 1983

PART I INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983.

(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954^{F1} shall apply to Article I and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order “statutory provision” has the meaning assigned to it by section 1 (f) of the Interpretation Act (Northern Ireland) 1954.

F1 1954 c. 33 (N.I.).

PART II ATTEMPTS

Attempting to commit an offence

3.—(1) If, with intent to commit an offence to which this Article applies, a person does an act which is more than merely preparatory to the commission of the offence, he is guilty of attempting to commit the offence.

[^{F2}(1A) Subject to section 8 of the Computer Misuse Act 1990 (relevance of external law), if this paragraph applies to an act, what the person doing it had in view shall be treated as an offence to which this Article applies.

Changes to legislation: The Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 is up to date with all changes known to be in force on or before 18 March 2022. 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) View outstanding changes

(1B) Paragraph (1A) above applies to an act if—

- (a) it is done in Northern Ireland; and
- (b) it would fall within paragraph (1) as more than merely preparatory to the commission of an offence under section 3 of the Computer Misuse Act 1990 but for the fact that the offence, if completed, would not be an offence triable in Northern Ireland.]

(2) A person may be guilty of attempting to commit an offence to which this Article applies even though the facts are such that the commission of the offence is impossible.

(3) In any case where—

- (a) apart from this paragraph a person's intention would not be regarded as having amounted to an intent to commit an offence; but
- (b) if the facts of the case had been as he believed them to be, his intention would be so regarded,

then, for the purposes of paragraph (1), he shall be regarded as having had an intent to commit that offence.

(4) This Article applies to any offence which, if it were completed, would be triable in Northern Ireland, other than—

- (a) conspiracy (at common law or under Article 9 or any other statutory provision);
- (b) aiding, abetting, counselling, procuring or suborning the commission of an offence;
- [^{F3}(ba) an offence under section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (encouraging or assisting suicide);]
- (c) an offence under section 4 (1) (assisting offenders) of the Criminal Law Act (Northern Ireland) 1967^{F4};
- (d) an offence under Article 8.

F2 1990 c.18

F3 Art. 3(4)(ba) inserted (1.2.2010) by Coroners and Justice Act 2009 (c. 25), ss. 177(1), 182(5), **Sch. 21 para. 59** (with savings in s. 180); S.I. 2010/145, **art. 2(2)**, Sch. para. 25(a)

F4 1967 c. 18 (N.I.).

[^{F5}Extended jurisdiction in relation to certain attempts

3A.—(1) If this Article applies to an act, what the person doing the act had in view shall be treated as an offence to which Article 3(1) applies.

(2) This Article applies to an act if—

- (a) it is done in Northern Ireland, and
- (b) it would fall within Article 3(1) as more than merely preparatory to the commission of a Group A offence but for the fact that that offence, if completed, would not be an offence triable in Northern Ireland.

(3) In this Article “Group A offence” has the same meaning as in Part III of the Criminal Justice (Northern Ireland) Order 1996.

(4) Paragraph (1) is subject to the provisions of Article 43 of the Order of 1996 (relevance of external law).

(5) Where a person does any act to which this Article applies, the offence which he commits shall for all purposes be treated as the offence of attempting to commit the relevant Group A offence.]

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F5 1996 NI 24

Application of procedural and other provisions to offences under Article 3

4.—(1) Any provision to which this Article applies shall have effect with respect to an offence under Article 3 of attempting to commit an offence as it has effect with respect to the offence attempted.

(2) This Article applies to provisions of any of the following descriptions made by or under any statutory provision—

- (a) provisions whereby proceedings may not be instituted or carried on otherwise than by, or on behalf or with the consent of, any person (including any provisions which also make other exceptions to the prohibition);
- (b) provisions conferring power to institute proceedings;
- (c) provisions as to the venue of proceedings;
- (d) provisions whereby proceedings may not be instituted after the expiration of a time limit;
- (e) provisions conferring a power of arrest or search;
- (f) provisions conferring a power of seizure and detention of property;
- (g) provisions whereby a person may not be convicted or committed for trial on the uncorroborated evidence of one witness (including any provision requiring the evidence of not less than two credible witnesses);
- (h) provisions conferring a power of forfeiture, including any power to deal with anything liable to be forfeited;
- (i) provisions whereby, if an offence committed by a body corporate is proved to have been committed with the consent or connivance of another person, that person also is guilty of the offence.

Trial and penalties

5.—(1) A person guilty by virtue of Article 3 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 sub-paragraph (a), 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 punishable either on conviction on indictment or on summary conviction, be liable on summary conviction to any penalty to which he would have been liable on summary conviction of that offence; and
- (d) if the offence attempted is punishable only on summary conviction, be liable on summary conviction to any penalty to which he would have been liable on conviction of that offence.

(2) Where, in proceedings against a person for an offence under Article 3, there is evidence sufficient in law to support a finding that he did an act falling within paragraph (1) of that Article, the question whether or not his act fell within that paragraph is a question of fact.

(3) ^{F6}

F6 Art. 5(3) repealed (2.2.2009) by Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1(3), 81, 83, Sch. 1 para. 16(2), Sch. 3; S.R. 2008/510, art. 2

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Effect of Part II on common law and other statutory provisions

6.—(1) The offence of attempt at common law and any offence at common law of procuring materials for crime are hereby abolished for all purposes not relating to acts done before the coming into operation of this Order.

(2) Except as regards offences committed before the coming into operation of this Order, references in any statutory provision which fall to be construed as references to the offence of attempt at common law shall be construed as references to the offence under Article 3.

(3) In the Misuse of Drugs Act 1971^{F7}

- (a) in section 12 (1) (a) the reference to an offence under that Act includes a reference to an offence under Article 3 of attempting to commit such an offence;
- (b) in section 19 for the words from “to attempt” to the end there shall be substituted the words “to incite another to commit an offence under any other provision of this Act”.

(4) Nothing in Article 3 (4) affects the operation of section 6 of the Criminal Jurisdiction Act 1975^{F8}.

F7 1971 c. 38.

F8 1975 c. 59.

PART III

SUSPECTED PERSONS

Abolition of offence of loitering, etc. with intent

7. —In section 4 of the Vagrancy Act 1824^{F9} paragraph (k) (offence of suspected person or reputed thief frequenting or loitering about certain places with intent to commit arrestable offence) shall cease to have effect.

F9 1824 c. 83.

Interference with vehicles

8.—(1) A person is guilty of the offence of vehicle interference if he interferes with a motor vehicle or trailer or with anything carried in or on a motor vehicle or trailer with the intention that an offence specified in paragraph (2) shall be committed by himself or some other person.

(2) The offences mentioned in paragraph (1) are—

- (a) theft of the motor vehicle or trailer or part of it;
- (b) theft of anything carried in or on the motor vehicle or trailer; and
- (c) an offence under Article 172 of the Road Traffic (Northern Ireland) Order 1981^{F10} (taking or driving away without consent);

and, if it is shown that a person accused of an offence under this Article intended that one of those offences should be committed, it is immaterial that it cannot be shown which it was.

(3) A person guilty of an offence under this Article shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £500 or to both.

Para. (4) rep. by 1989 NI 12

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(5) In this Article “motor vehicle” and “trailer” have the meanings assigned to them by Article 2 (2) of the Road Traffic (Northern Ireland) Order 1981.

F10 1981 NI 1

PART IV CONSPIRACY

The offence of conspiracy

9.—(1) Subject to the following provisions of this Part, if a person agrees with any other person or persons that a course of conduct shall be pursued which, if the agreement is carried out in accordance with their intentions, either—

- (a) will necessarily amount to or involve the commission of any offence or offences by one or more of the parties to the agreement, or
- (b) would do so but for the existence of facts which render the commission of the offence or any of the offences impossible,

he is guilty of conspiracy to commit the offence or offences in question.

Paras. (1A),(1B) rep. by 1998 c.40

(2) Where liability for any offence may be incurred without knowledge on the part of the person committing it of any particular fact or circumstances necessary for the commission of the offence, a person shall nevertheless not be guilty of conspiracy to commit that offence by virtue of paragraph (1) unless he and at least one other party to the agreement intend or know that the fact or circumstance shall or will exist at the time when the conduct constituting the offence is to take place.

Para. (3) rep. by 1995 NI 12

(4) In this Part “offence” means an offence triable in Northern Ireland^{F11}. . .

Paras. (5),(6) rep. by 1998 c.40

F11 1998 c.40

[^{F12}Conspiracy to commit offences outside [^{F13}Northern Ireland]

9A.—(1) Where each of the following conditions is satisfied in the case of an agreement, this Part has effect in relation to the agreement as it has effect in relation to an agreement falling within Article 9(1).

(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 [^{F14}Northern Ireland].

(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 Article 9(1) as an agreement relating to the commission of an offence but for the fact that the offence would not be an offence triable in Northern Ireland if committed in accordance with the parties' intentions.