



# 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, [<sup>F1</sup>or is low-value shoplifting (which is defined in, and is triable only summarily by virtue of, section 22A of the Magistrates' Courts Act 1980),] 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

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**Changes to legislation:** *Criminal Attempts Act 1981, Section 4 is up to date with all changes known to be in force on or before 03 September 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) View outstanding changes*

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falling within subsection (3) of section 3 above, the question whether or not his act fell within that subsection is a question of fact.

(5) Subsection (1) above shall have effect—

<sup>F2</sup>(a) .....

(b) notwithstanding anything—

(i) in section 32(1) (no limit to fine on conviction on indictment) of the <sup>M1</sup>Criminal Law Act 1977; or

[<sup>F3</sup>(ii) in section 224(1) and (2) (general limit on magistrates' court's powers to impose imprisonment etc) of the Sentencing Code.]

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#### Textual Amendments

**F1** Words in s. 4(1)(c) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), **ss. 176(5)(b)**, 185(1) (with ss. 8, 21, 33, 42, 58, 75, 93, 176(8)); S.I. 2014/949, art. 3, Sch. para. 17

**F2** S. 4(5)(a) and word repealed (1.5.2004) by [Sexual Offences Act 2003](#) (c. 42), s. 141, **Sch. 7**; S.I. 2004/874, art. 2

**F3** S. 4(5)(b)(ii) substituted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), **Sch. 24 para. 64** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

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#### Marginal Citations

**M1** 1977 c. 45.

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**Changes and effects yet to be applied to :**

- s. 4(5)(b)(ii) substituted by [2003 c. 44 Sch. 32 para. 33](#)