
STATUTORY INSTRUMENTS

1996 No. 3160

The Criminal Justice (Northern Ireland) Order 1996

PART III

JURISDICTION

Relevance of external law

43.—(1) A person is guilty of an offence triable by virtue of Article 3A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983, or by virtue of Article 42(2), only if what he had in view would involve the commission of an offence under the law in force where the whole or any part of it was intended to take place.

(2) A person is guilty of an offence triable^{F1} . . . by virtue of Article 42(3), only if the pursuit of the agreed course of conduct would at some stage involve—

- (a) an act or omission by one or more of the parties, or
- (b) the happening of some other event,

constituting an offence under the law in force where the act, omission or other event was intended to take place.

(3) Conduct punishable under the law in force in any place is an offence under that law for the purposes of this Article, however it is described in that law.

(4) Subject to paragraph (6), a condition specified in paragraph (1) or (2) shall be taken to be satisfied unless, not later than Crown Court rules or magistrates' court rules 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.

(5) In paragraph (4) “the relevant conduct” means—

- (a) where the condition in paragraph (1) is in question, what the defendant had in view; and
- (b) where the condition in paragraph (2) is in question, the agreed course of conduct.

(6) 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 paragraph (4).

(7) In the Crown Court, the question whether the condition is satisfied shall be decided by the judge alone.

(8) In Article 8(3) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (preparatory hearing in a case of serious fraud), after sub-paragraph (a) there shall be inserted—

- “(aa) a question arising under Article 43 of the Criminal Justice (Northern Ireland) Order 1996 (relevance of external law to certain charges of conspiracy, attempt and incitement); and” .

Changes to legislation: *The Criminal Justice (Northern Ireland) Order 1996, Section 43 is up to date with all changes known to be in force on or before 09 July 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](#)*

F1 1998 c. 40

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Changes and effects yet to be applied to :

- [Instrument rev. in pt. by 1998 c. 40 s.9\(1\)\(2\)Sch.1 Pt.II para.10Sch.2 Pt.II](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Sch. 2 para. 9\(1\)\(a\)\(i\) words repealed by 2015 c. 9 \(N.I.\) Sch. 1 para. 112\(5\)\(e\)Sch. 9 Pt. 1](#)
- [art. 44A\(4\) words substituted by S.I. 2008/1216 \(N.I.\) Sch. 5 para. 7\(9\) \(This amendment not applied to \[legislation.gov.uk\]\(#\). It is thought that the correct affected document should be S.I. 1998/1504 \(N.I. 9\), art. 44A\(4\). The correction will be made as soon as we get the approved amended document from the relevant office\)](#)
- [art. 53\(1\) art. 53 renumbered as art. 53\(1\) by 2019 c. 17 s. 44\(6\)](#)
- [art. 53\(1\)\(a\) substituted by 2019 c. 17 s. 43\(2\)](#)
- [art. 53\(2\)-\(9\) inserted by 2019 c. 17 s. 44\(7\)](#)
- [art. 54A inserted by 2019 c. 17 s. 37\(3\)](#)