



# Criminal Law Act 1977

## 1977 CHAPTER 45

### PART I

#### CONSPIRACY

##### Modifications etc. (not altering text)

**C1** Pt. I (ss. 1-5) extended (1.10.1996) by 1996 c. 29, ss.1, 3; S.I. 1996/2262, art.2.

#### **1 The offence of conspiracy.**

[<sup>F1</sup>(1) Subject to the following provisions of this Part of this Act, 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.]

[<sup>F2</sup>(1A) Subject to section 8 of the Computer Misuse Act 1990 (relevance of external law), if this subsection applies to an agreement, this Part of this Act has effect in relation to it as it has effect in relation to an agreement falling within subsection (1) above.

(1B) Subsection (1A) above applies to an agreement if—

- (a) a party to it, or a party's agent, did anything in England and Wales in relation to it before its formation; or
- (b) a party to it became a party in England and Wales (by joining it either in person or through an agent); or
- (c) a party to it, or a party's agent, did or omitted anything in England and Wales in pursuance of it;

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and the agreement would fall within subsection (1) above as an agreement relating to the commission of a computer misuse offence but for the fact that the offence would not be an offence triable in England and Wales if committed in accordance with the parties’ intentions.]

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

<sup>F3</sup>(3) . . . . .

(4) In this Part of this Act “offence” means an offence triable in England and Wales, except that it includes murder notwithstanding that the murder in question would not be so triable if committed in accordance with the intentions of the parties to the agreement.

[<sup>F4</sup>(5) In the application of this Part of this Act to an agreement to which subsection (1A) above applies any reference to an offence shall be read as a reference to what would be the computer misuse offence in question but for the fact that it is not an offence triable in England and Wales.

(6) In this section “computer misuse offence” means an offence under the Computer Misuse Act 1990.]

<b>Textual Amendments</b>	
<b>F1</b>	S. 1(1) substituted (with saving) by <a href="#">Criminal Attempts Act 1981 (c. 47, SIF 39:1)</a> , <b>s. 5(1)</b>
<b>F2</b>	S. 1(1A)(1B) inserted by <a href="#">Computer Misuse Act 1990 (c. 18, SIF 39:1)</a> , <b>s. 7(1)</b>
<b>F3</b>	S. 1(3) repealed (16.10.1992) by <a href="#">Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)</a> , ss. 300(1), 302, <b>Sch.1</b> (with Sch. 3 para. 2).
<b>F4</b>	S. 1(5)(6) inserted by <a href="#">Computer Misuse Act 1990 (c. 18, SIF 39:1)</a> , <b>s. 7(2)</b>
<b>Modifications etc. (not altering text)</b>	
<b>C2</b>	S. 1(1) modified (16.10.1992) by <a href="#">Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)</a> , ss.242, 302.

**1A** <sup>F5</sup>**Extended jurisdiction over certain conspiracies.**

(1) This Part of this Act has effect in relation to an agreement which falls within this section as it has effect in relation to one which falls within section 1(1) above.

- (2) An agreement falls within this section if—
- (a) a party to it, or a party’s agent, did anything in England and Wales in relation to it before its formation, or
  - (b) a party to it became a party in England and Wales (by joining it either in person or through an agent), or
  - (c) a party to it, or a party’s agent, did or omitted anything in England and Wales in pursuance of it,

and the agreement would fall within section 1(1) above as an agreement relating to the commission of a Group A offence but for that offence, if committed in accordance with the parties’ intentions, not being an offence triable in England and Wales.

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- (3) In subsection (2) above “Group A offence” has the same meaning as in Part I of the Criminal Justice Act 1993.
- (4) Subsection (1) above is subject to the provisions of section 6 of the Act of 1993 (relevance of external law).
- (5) An offence which is an offence of conspiracy, by virtue of this section, shall be treated for all purposes as an offence of conspiracy to commit the relevant Group A offence.

#### Textual Amendments

**F5** S. 1A inserted (prosp.) by 1993 c. 36, ss. 1(1), 5(1), 78(3) (which prosp insertion fell by reason of the repeal (4.9.1998) of s. 5(1) of the 1993 Act by 1998 c. 40, s. 9(2), Sch. 2 Pt. II (with s. 9(3))).

#### Modifications etc. (not altering text)

**C3** S. 1A restricted (prosp.) by 1993 c. 36, ss. 1(1), 6(1), 78(3)

## 2 [F6 Exemptions from liability for conspiracy.]

- (1) A person shall not by virtue of section 1 above be guilty of conspiracy to commit any offence if he is an intended victim of that offence.
- (2) A person shall not by virtue of section 1 above be guilty of conspiracy to commit any offence or offences if the only other person or persons with whom he agrees are (both initially and at all times during the currency of the agreement) persons of any one or more of the following descriptions, that is to say—
  - (a) his spouse;
  - (b) a person under the age of criminal responsibility; and
  - (c) an intended victim of that offence or of each of those offences.
- (3) A person is under the age of criminal responsibility for the purposes of subsection (2) (b) above so long as it is conclusively presumed, by virtue of section 50 of the <sup>M1</sup>Children and Young Persons Act 1933, that he cannot be guilty of any offence.

#### Textual Amendments

**F6** S. 1A inserted (4.9.1998) by 1998 c. 40, s. 5(1).

#### Marginal Citations

**M1** 1933 c. 12.

## 3 Penalties for conspiracy.

- (1) A person guilty by virtue of section 1 above of conspiracy to commit any offence or offences shall be liable on conviction on indictment—
  - (a) in a case falling within subsection (2) or (3) below, to imprisonment for a term related in accordance with that subsection to the gravity of the offence or offences in question (referred to below in this section as the relevant offence or offences); and
  - (b) in any other case, to a fine.

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Paragraph (b) above shall not be taken as prejudicing the application of section 30(1) of the <sup>M2</sup>Powers of Criminal Courts Act 1973 (general power of court to fine offender convicted on indictment) in a case falling within subsection (2) or (3) below.

- (2) Where the relevant offence or any of the relevant offences is an offence of any of the following descriptions, that is to say—
- (a) murder, or any other offence the sentence for which is fixed by law;
  - (b) an offence for which a sentence extending to imprisonment for life is provided; or
  - (c) an indictable offence punishable with imprisonment for which no maximum term of imprisonment is provided,

the person convicted shall be liable to imprisonment for life.

- (3) Where in a case other than one to which subsection (2) above applies the relevant offence or any of the relevant offences is punishable with imprisonment, the person convicted shall be liable to imprisonment for a term not exceeding the maximum term provided for that offence or (where more than one such offence is in question) for any one of those offences (taking the longer or the longest term as the limit for the purposes of this section where the terms provided differ).

In the case of an offence triable either way the references above in this subsection to the maximum term provided for that offence are references to the maximum term so provided on conviction on indictment.

#### Marginal Citations

M2 1973 c. 62.

## 4 Restrictions on the institution of proceedings for conspiracy.

- (1) Subject to subsection (2) below proceedings under section 1 above for conspiracy to commit any offence or offences shall not be instituted against any person except by or with the consent of the Director of Public Prosecutions if the offence or (as the case may be) each of the offences in question is a summary offence.
- (2) In relation to the institution of proceedings under section 1 above for conspiracy to commit—
- (a) an offence which is subject to a prohibition by or under any enactment on the institution of proceedings otherwise than by, or on behalf or with the consent of, the Attorney General, or
  - (b) two or more offences of which at least one is subject to such a prohibition,
- subsection (1) above shall have effect with the substitution of a reference to the Attorney General for the reference to the Director of Public Prosecutions.
- (3) Any prohibition by or under any enactment on the institution of proceedings for any offence which is not a summary offence otherwise than by, or on behalf or with the consent of, the Director of Public Prosecutions or any other person shall apply also in relation to proceedings under section 1 above for conspiracy to commit that offence.
- (4) Where—
- (a) an offence has been committed in pursuance of any agreement; and

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(b) proceedings may not be instituted for that offence because any time limit applicable to the institution of any such proceedings has expired, proceedings under section 1 above for conspiracy to commit that offence shall not be instituted against any person on the basis of that agreement.

## **5 Abolitions, savings, transitional provisions, consequential amendment and repeals.**

- (1) Subject to the following provisions of this section, the offence of conspiracy at common law is hereby abolished.
- (2) Subsection (1) above shall not affect the offence of conspiracy at common law so far as relates to conspiracy to defraud, . . . <sup>F7</sup>.
- (3) Subsection (1) above shall not affect the offence of conspiracy at common law if and in so far as it may be committed by entering into an agreement to engage in conduct which—
  - (a) tends to corrupt public morals or outrages public decency; but
  - (b) would not amount to or involve the commission of an offence if carried out by a single person otherwise than in pursuance of an agreement.
- (4) Subsection (1) above shall not affect—
  - (a) any proceedings commenced before the time when this Part of this Act comes into force;
  - (b) any proceedings commenced after that time against a person charged with the same conspiracy as that charged in any proceedings commenced before that time; or
  - (c) any proceedings commenced after that time in respect of a trespass committed before that time;but a person convicted of conspiracy to trespass in any proceedings brought by virtue of paragraph (c) above shall not in respect of that conviction be liable to imprisonment for a term exceeding six months.
- (5) Sections 1 and 2 above shall apply to things done before as well as to things done after the time when this Part of this Act comes into force, but in the application of section 3 above to a case where the agreement in question was entered into before that time—
  - (a) subsection (2) shall be read without the reference to murder in paragraph (a); and
  - (b) any murder intended under the agreement shall be treated as an offence for which a maximum term of imprisonment of ten years is provided.
- (6) The rules laid down by sections 1 and 2 above shall apply for determining whether a person is guilty of an offence of conspiracy under any enactment other than section 1 above, but conduct which is an offence under any such other enactment shall not also be an offence under section 1 above.
- (7) Incitement . . . <sup>F8</sup> to commit the offence of conspiracy (whether the conspiracy incited . . . <sup>F8</sup> would be an offence at common law or under section 1 above or any other enactment) shall cease to be offences.
- (8) The fact that the person or persons who, so far as appears from the indictment on which any person has been convicted of conspiracy, were the only other parties to the agreement on which his conviction was based have been acquitted of conspiracy

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by reference to that agreement (whether after being tried with the person convicted or separately) shall not be a ground for quashing his conviction unless under all the circumstances of the case his conviction is inconsistent with the acquittal of the other person or persons in question.

(9) Any rule of law or practice inconsistent with the provisions of subsection (8) above is hereby abolished.

<sup>X1</sup>(10) In section 4 of the <sup>M3</sup>Offences against the Person Act 1861—

- (a) the words preceding “Whosoever” shall cease to have effect; and
- (b) for the words from “be kept” to “years” there shall be substituted the words “imprisonment for life”.

<sup>F9</sup>(11) . . . . .

**Editorial Information**

**X1** The text of ss. 5(10)(11), 15(2), 17, 30(1)(2), 31(10), 32(3), 46, 49, 52, 57, 63(1), 65(4)(5), Sch. 13 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Textual Amendments**

- F7** Words repealed by [Criminal Justice Act 1987 \(c. 38, SIF 39:1\)](#), **s. 12(2)**
- F8** Words repealed by [Criminal Attempts Act 1981 \(c. 38, SIF 39:1\)](#), **Sch. Pt. I**
- F9** [S. 5\(11\)](#) repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52\)](#), ss. 300(1), 302, **Sch.1** (with [Sch. 3 para. 2](#)).

**Marginal Citations**

**M3** [1861 c. 100](#).

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