



Criminal Justice Act 1993

1993 CHAPTER 36

PART I **E+W**

JURISDICTION

6 **Relevance of external law.** **E+W**

- (1) A person is guilty of an offence triable ^{F1} . . . by virtue of section 5(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.
- (2) A person is guilty of an offence triable by virtue of section 1A of the ^{M1}Criminal Attempts Act 1981, or by virtue of section 5(4), 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.
- (3) Conduct punishable under the law in force in any place is an offence under that law for the purposes of this section, however it is described in that law.
- (4) Subject to subsection (6), a condition specified in subsection (1) or (2) shall be taken to be satisfied unless, not later than rules of court 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 subsection (4) “the relevant conduct” means—
 - (a) where the condition in subsection (1) is in question, the agreed course of conduct; and

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1993, Section 6. (See end of Document for details)

- (b) where the condition in subsection (2) is in question, what the defendant had in view.
- (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 subsection (4).
- (7) In the Crown Court, the question whether the condition is satisfied shall be decided by the judge alone.
- (8) The following paragraph shall be inserted in section 9(3) of the ^{M2}Criminal Justice Act 1987 (preparatory hearing in a case of serious fraud), before paragraph (b)—
- “(aa) a question arising under section 6 of the Criminal Justice Act 1993 (relevance of external law to certain charges of conspiracy, attempt and incitement);”.

Textual Amendments

- F1** Words in s. 6(1) repealed (4.9.1998) by 1998 c. 40, s. 9(1)(2), Sch. 1 Pt. II para. 7(2), **Sch. 2 Pt. II** (with s. 9(3))
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Marginal Citations

- M1** 1981 c. 47.
M2 1987 c. 38.

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