



Armed Forces Act 2006

2006 CHAPTER 52

PART 1

OFFENCES

Criminal conduct

45 Conspiring to commit criminal conduct

(1) For the purpose of determining whether an agreement that a course of conduct be pursued is an offence under section 42—

- (a) sections 1(1) and 2 of the Criminal Law Act 1977 (c. 45) (conspiracy) have effect as if any reference to an offence included a reference to an act that, if done in England or Wales, would be punishable by the law of England and Wales; and
- (b) section 1(2) of that Act has effect as if it read—

“(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 it, a person is nevertheless not guilty by virtue of subsection (1) above of conspiracy to commit—

- (a) that offence, or
- (b) an act that would amount to that offence if done in England or Wales,

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, or the act, is to take place.”

(2) Section 42(6) applies for the purposes of section 1(2) of the Criminal Law Act 1977 as substituted by this section.

Status: Point in time view as at 28/03/2009. This version of this provision has been superseded.

Changes to legislation: *Armed Forces Act 2006, Section 45 is up to date with all changes known to be in force on or before 28 May 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)*

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Commencement Information

- II** **S. 45** in force at 28.3.2009 for specified purposes by **S.I. 2009/812, art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059)

Status:

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