

# CRIMINAL ATTEMPTS ACT 1981

## **1. Attempting to commit an offence**

(1) If, with intent to commit an offence to which this section applies, a person does an act which is more than merely preparatory to the commission of the offence, he is guilty of attempting to commit the offence.

(1A) Subject to section 8 of the Computer Misuse Act 1990 (relevance of external law), if this subsection applies to an act, what the person doing it had in view shall be treated as an offence to which this section applies.

(1B) Subsection (1A) above applies to an act if-

- (a) it is done in England and Wales; and
- (b) it would fall within subsection (1) above as more than merely preparatory to the commission of an offence under section 3 of the Computer Misuse Act 1990 but for the fact that the offence, if completed, would not be an offence triable in England and Wales.

(2) A person may be guilty of attempting to commit an offence to which this section applies even though the facts are such that the commission of the offence is impossible.

(3) In any case where -

- (a) apart from this subsection a person's intention would not be regarded as having amounted to an intent to commit an offence; but
- (b) if the facts of the case had been as he believed them to be, his intention would be so regarded, then, for the purposes of subsection (1) above, he shall be regarded as having had an intent to commit that offence.

(4) This section applies to any offence which, if it were completed, would be triable in England and Wales as an indictable offence, other than -

- (a) conspiracy (at common law or under section 1 of the Criminal Law Act 1977 or any other enactment);
- (b) aiding, abetting, counselling, procuring or suborning the commission of an offence;
- (c) offences under section 4 (1) (assisting offenders) or 5 (1) (accepting or agreeing to accept consideration for not disclosing information about an arrestable offence) of the Criminal Law Act 1967.

## **1A. Extended jurisdiction in relation to certain attempt**

(1) If this section applies to an act, what the person doing the act had in view shall be treated as an offence to which section 1 (1) above applies.

(2) This section applies to an act if-

- (a) it is done in England and Wales, and
- (b) it would fall within section 1 (1) above as more than merely preparatory to the commission of a Group A offence but for the fact that that offence, if completed, would not be an offence triable in England and Wales.

(3) In this section 'Group A offence' has the same meaning as in Part 1 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) Where a person does any act to which this section applies, the offence which he commits shall for all purposes be treated as the offence of attempting to commit the relevant Group A offence.

#### **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, 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.

#### **6. Effect on common law**

(1) The offence of attempt at common law and any offence at common law of procuring materials for crime are hereby abolished for all purposes not relating to acts done before the commencement of this Act.

(2) Except as regards offences committed before the commencement of this Act, references in any enactment passed before this Act which fall to be construed as references to the offence of attempt at common law shall be construed as references to the offence under section 1 above.

#### **9. Interference with vehicles**

(1) A person is guilty of the offence of vehicle interference if he interferes with a motor vehicle or trailer or with anything carried in or on a motor vehicle or trailer with the intention that any offence specified in subsection (2) below shall be committed by himself or some other person.

- (2) The offences mentioned in subsection (1) above are-
- (a) theft of the motor vehicle or trailer or part of it;
  - (b) theft of anything carried in or on the motor vehicle or trailer; and
  - (c) an offence under section 12(1) of the Theft Act 1968 (taking and driving away, without consent);

and, if it is shown that a person accused of an offence under this section intended that one of those offences should be committed, it is immaterial that it cannot be shown which it was.

(3) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £500 or to both.

(5) In this section 'motor vehicle' and 'trailer' have the meanings assigned to them by section 190(1) of the Road Traffic Act 1972.