Computer Misuse Act 1990

1990 CHAPTER 18

Miscellaneous and general

16   Application to Northern Ireland.

(1) The following provisions of this section have effect for applying this Act in relation
to Northern Ireland with the modifications there mentioned.

[**F1**(1A) In section 1(3)(a)—

(a)   the reference to England and Wales shall be read as a reference to Northern
Ireland; and

(b)   the reference to [**F2**the general limit in a magistrates' court] shall be read as
a reference to six months.]

(2) In section 2(2)(b)—

(a)   the reference to England and Wales shall be read as a reference to Northern
Ireland; and

(b)   the reference to section 33 of the **M1**Magistrates' Courts Act 1980 shall be read
as a reference to Article 46(4) of the **M2**Magistrates' Courts (Northern Ireland)
Order 1981.

[**F3**(2A) In section 2(5)(a)—

(a)   the reference to England and Wales shall be read as a reference to Northern
Ireland; and

(b)   the reference to [**F4**the general limit in a magistrates' court] shall be read as
a reference to six months.]

(3) **F5**. . . . .

[**F6**(3A) In section 3(6)(a)—

(a)   the reference to England and Wales shall be read as a reference to Northern
Ireland; and

(b)   the reference to [**F7**the general limit in a magistrates' court] shall be read as
a reference to six months.]

[**F8**(3B) In section 3A(5)(a)—
- (a) the reference to England and Wales shall be read as a reference to Northern Ireland; and
- (b) the reference to [**F9**the general limit in a magistrates' court] shall be read as a reference to six months.]

(4) [**F10**Subsection (7) below shall apply in substitution for subsection (3) of section 7];
F11. . . .

F12(5) . . . .

F12(6) . . . .

(7) The following paragraphs shall be inserted after Article 3(1) of that Order—

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

(1B) Paragraph (1A) above applies to an act if—
- (a) it is done in Northern Ireland; and
- (b) it would fall within paragraph (1) 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 Northern Ireland.".

(8) In section 8—
- (a **F12** . . . .
- (b) the reference in subsection (3) to section 1(1A) of the **M3**Criminal Attempts Act 1981 shall be read as a reference to Article 3(1A) of that Order.

(9) The references in sections 9(1) and 10 to England and Wales shall be read as references to Northern Ireland.

[**F13**(9A) In section 10 the definition of "enactment" shall be read as including a reference to an enactment, whenever passed or made, contained in Northern Ireland legislation or in an instrument made under such legislation.]

(10) **F14**. . . . .

(11) **F14**. . . . .

(12) **F14**. . . . .

Textual Amendments

F1 S. 16(1A) inserted (1.10.2008) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 27(2)** (with s. 38(2)); S.I. 2008/2503, **art. 2**

F2 Words in s. 16(1A)(b) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1** table

F3 S. 16(2A) inserted (1.10.2008) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 27(3)**; S.I. 2008/2503, **art. 2**

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Changes to legislation: There are currently no known outstanding effects for
the Computer Misuse Act 1990, Section 16. (See end of Document for details)

F4 Words in s. 16(2A)(b) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1** table

F5 S. 16(3) repealed (1.10.2008) by Police and Justice Act 2006 (c. 48), ss. 52, 53, Sch. 14 para. 27(4), **Sch. 15 Pt. 4** (with s. 38(4)); S.I. 2008/2503, **art. 2**

F6 S. 16(3A) inserted (1.10.2008) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 27(5)** (with s. 38(4)); S.I. 2008/2503, **art. 2**

F7 Words in s. 16(3A)(b) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1** table

F8 S. 16(3B) inserted (1.10.2008) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 27(6)**; S.I. 2008/2503, **art. 2**

F9 Words in s. 16(3B)(b) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1** table

F10 Words in s. 16(4) substituted (4.9.1998) by 1998 c. 40, s. 9(1), **Sch. 1 Pt. II para. 6(3)(a)** (with s. 9(3))

F11 Words in s. 16(4) repealed (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(1)(2), 92, 94, Sch. 6 para. 59(6), **Sch. 14** (with Sch. 13 para. 5); S.I. 2008/2504, **art. 2**

F12 S. 16(5)(6)(8)(a) repealed (4.9.1998) by 1998 c. 40, s. 9(1)(2), Sch. 1 Pt. II para. 6(3)(b), **Sch. 2 Pt. II** (with s. 9(3))

F13 S. 16(9A) inserted (3.5.2015) by Serious Crime Act 2015 (c. 9), **ss. 44(3)**, 88(1); S.I. 2015/820, reg. 2(d)

F14 S. 16(10)(11)(12) repealed (1.10.2008) by Police and Justice Act 2006 (c. 48), ss. 52, 53, Sch. 14 para. 27(4), **Sch. 15 Pt. 4** (with s. 38(2)); S.I. 2008/2503, **art. 2**

Marginal Citations

M1 1980 c. 43.

M2 S.I. 1981/1675 (N.I.26).

M3 1981 c. 47.