



# 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.

[<sup>F1</sup>(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 12 months 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 <sup>M1</sup>Magistrates' Courts Act 1980 shall be read as a reference to Article 46(4) of the <sup>M2</sup>Magistrates' Courts (Northern Ireland) Order 1981.

[<sup>F2</sup>(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 12 months shall be read as a reference to six months.]

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

[<sup>F4</sup>(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 12 months shall be read as a reference to six months.]

[<sup>F5</sup>(3B) In section 3A(5)(a)—

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

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- (b) the reference to 12 months shall be read as a reference to six months.]
- (4) <sup>F6</sup>Subsection (7) below shall apply in substitution for subsection (3) of section 7];  
<sub>F7</sub> . . . .
- <sup>F8</sup>(5) . . . . .
- (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) . . . . .
- (b) the reference in subsection (3) to section 1(1A) of the <sup>M3</sup>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.
- [<sup>F9</sup>(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) <sup>F10</sup> . . . . .
- (11) . . . . .
- (12) . . . . .

#### Annotations:

##### Amendments (Textual)

- 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** 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](#)
- F3** 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](#)
- F4** 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](#)
- F5** 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](#)
- F6** 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))
- F7** 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](#)

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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)

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- F8** 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))
- F9** 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)
- F10** 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**

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**Marginal Citations**

- M1** 1980 c. 43.
- M2** S.I. 1981/1675 (N.I.26).
- M3** 1981 c. 47.

**Changes to legislation:**

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