Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for
the Computer Misuse Act 1990, Section 16. (See end of Document for details)

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.

(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.

(3) The reference in section 3(6) to the ^{M3}Criminal Damage Act 1971 shall be read as a reference to the ^{M4}Criminal Damage (Northern Ireland) Order 1977.

(4) Subsections (5) to (7) below apply in substitution for subsections (1) to (3) of section 7; and any reference in subsection (4) of that section to England and Wales shall be read as a reference to Northern Ireland.

(5) The following paragraphs shall be inserted after paragraph (1) of Article 9 of the ^{M5}Criminal Attempts and Conspiracy (Northern Ireland) Order 1983—

"(1A) Subject to section 8 of the Computer Misuse Act 1990 (relevance of external law), if this paragraph applies to an agreement, this Part has effect in relation to it as it has effect in relation to an agreement falling within paragraph (1).

(1B) Paragraph (1A) applies to an agreement if—

(a)   a party to it, or a party's agent, did anything in Northern Ireland in relation to it before its formation;

(b)   a party to it became a party in Northern Ireland (by joining it either in person or through an agent); or

(c)   a party to it, or a party's agent, did or omitted anything in Northern Ireland in pursuance of it;

and the agreement would fall within paragraph (1) as an agreement relating to the commission of a computer misuse offence but for the fact that the offence would not be an offence triable in Northern Ireland if committed in accordance with the parties' intentions.".

(6) The following paragraph shall be inserted after paragraph (4) of that Article—

"(5) In the application of this Part to an agreement to which paragraph (1A) applies any reference to an offence shall be read as a reference to what would be the computer misuse offence in question but for the fact that it is not an offence triable in Northern Ireland.

(6) In this Article "computer misuse offence" means an offence under the Computer Misuse Act 1990.".

(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) the reference in subsection (2) to section 1(1A) of the [M6]Criminal Law Act 1977 shall be read as a reference to Article 9(1A) of that Order; and
    (b) the reference in subsection (3) to section 1(1A) of the [M7]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.

(10) In section 11, for subsection (1) there shall be substituted—

"(1) A magistrates' court for a county division in Northern Ireland may hear and determine a complaint charging an offence under section 1 above or conduct a preliminary investigation or preliminary inquiry into an offence under that section if—
    (a) the accused was in that division at the time when he did the act which caused the computer to perform the function; or
    (b) any computer containing any program or data to which the accused secured or intended to secure unauthorised access by doing that act was in that division at that time.";

and subsection (6) shall be omitted.

(11) The reference in section 12(3) to section 6(3) of the [M8]Criminal Law Act 1967 shall be read as a reference to section 6(2) of the [M9]Criminal Law Act (Northern Ireland) 1967.

(12) In section 14—

> (a) the reference in subsection (1) to a circuit judge shall be read as a reference to a county court judge; and
>
> (b) the reference in subsection (2) to section 9(2) of the [M10]Police and Criminal Evidence Act 1984 shall be read as a reference to Article 11(2) of the [M11]Police and Criminal Evidence (Northern Ireland) Order 1989.

Marginal Citations

M1	1980 c. 43.
M2	S.I. 1981/1675 (N.I.26).
M3	1971 c. 48.
M4	S.I. 1977/426 (N.I.4).
M5	S.I. 1983/1120 (N.I.13).
M6	1977 c. 45.
M7	1981 c. 47.
M8	1967 c. 58.
M9	1967 c. 18 (N.I.).
M10	1984 c. 60.
M11	S.I. 1989/1341 (N.I. 12).

Status:
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Changes to legislation:
There are currently no known outstanding effects for the Computer Misuse Act 1990, Section 16.