Status: Point in time view as at 04/09/1998. This version of this provision has been superseded.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) [^{F1}Subsection (7) below shall apply in substitution for subsection (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.

^{F2}(5) . . . .

^{F2}(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 **F2** . . . .

(b) the reference in subsection (3) to section 1(1A) of the **M5**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 **M6**Criminal Law Act 1967 shall be read as a reference to section 6(2) of the **M7**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 **M8**Police and Criminal Evidence Act 1984 shall be read as a reference to Article 11(2) of the **M9**Police and Criminal Evidence (Northern Ireland) Order 1989.

Textual Amendments

F1   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))

F2   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))

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   1981 c. 47.

M6   1967 c. 58.

M7   1967 c. 18 (N.I.).

M8   1984 c. 60.

M9   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.