

Changes to legislation: There are currently no known outstanding effects for the Police and Justice Act 2006, Cross Heading: Computer Misuse Act 1990 (c. 18). (See end of Document for details)

SCHEDULES

SCHEDULE 14

MINOR AND CONSEQUENTIAL AMENDMENTS

Computer Misuse Act 1990 (c. 18)

- 17 In section 2 of the Computer Misuse Act 1990 (unauthorised access with intent to commit or facilitate commission of further offences), for subsection (5) there is substituted—

“(5) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both;
- (b) on summary conviction in Scotland, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both;
- (c) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both.”

Commencement Information

- I1** Sch. 14 para. 17 in force at 1.10.2007 for S. by [S.S.I. 2007/434](#), [art. 2\(c\)](#)
- I2** Sch. 14 para. 17 in force at 1.10.2008 for E.W.N.I. by [S.I. 2008/2503](#), [art. 2\(c\)](#)

- 18 In the heading to section 4 of that Act (territorial scope of offences under that Act), for “**offences under this Act**” there is substituted “**offences under sections 1 to 3**”.

Commencement Information

- I3** Sch. 14 para. 18 in force at 1.10.2007 for S. by [S.S.I. 2007/434](#), [art. 2\(c\)](#)
- I4** Sch. 14 para. 18 in force at 1.10.2008 for E.W.N.I. by [S.I. 2008/2503](#), [art. 2\(c\)](#)

- 19 (1) Section 5 of that Act (significant links with domestic jurisdiction) is amended as follows.

- (2) [F1In subsection (2), for paragraph (b) there is substituted—

“(b) that any computer containing any program or data to which the accused by doing that act secured or intended to secure unauthorised access, or enabled or intended to enable unauthorised access to be secured, was in the home country concerned at that time.”]

- (3) In subsection (3)—

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- (a) in paragraph (a), for “he did the act which caused the unauthorised modification” there is substituted “ he did the unauthorised act (or caused it to be done) ”;
- (b) for paragraph (b) there is substituted—
 - “(b) that the unauthorised act was done in relation to a computer in the home country concerned.”

Textual Amendments

- F1** Sch. 14 para. 19(2) repealed (E.W.N.I.) (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 61(5), 94(1), [Sch. 14](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), art. 2(a)(i)

Commencement Information

- I5** Sch. 14 para. 19 in force at 1.10.2007 for S. by [S.S.I. 2007/434](#), art. 2(c)
I6 Sch. 14 para. 19 in force at 1.10.2008 for E.W.N.I. by [S.I. 2008/2503](#), art. 2(c)

- 20 In section 6 of that Act (territorial scope of inchoate offences)—
- (a) in the heading, for “**offences under this Act**” there is substituted “**offences under sections 1 to 3**”;
 - (b) in subsections (1) and (3), for “offence under this Act” there is substituted “offence under section 1, 2 or 3 above”.

Commencement Information

- I7** Sch. 14 para. 20 in force at 1.10.2008 for E.W.N.I. by [S.I. 2008/2503](#), art. 2(c)

- 21 In section 7 of that Act (territorial scope of inchoate offences related to offences under external law)—
- (a) in the heading, for “**offences under this Act**” there is substituted “**offences under sections 1 to 3**”;
 - (b) in subsection (4), for “offence under this Act” there is substituted, in each place, “offence under section 1, 2 or 3 above”.

Commencement Information

- I8** Sch. 14 para. 21 in force at 1.10.2008 for E.W.N.I. by [S.I. 2008/2503](#), art. 2(c)

- 22 In section 9 of that Act (British citizenship immaterial), in paragraphs (a) and (d) of subsection (2), for “offence under this Act” there is substituted “offence under section 1, 2 or 3 above”.

Commencement Information

- I9** Sch. 14 para. 22 in force at 1.10.2008 for E.W.N.I. by [S.I. 2008/2503](#), art. 2(c)

- 23 Section 11 of that Act (proceedings for offences under section 1) is repealed.

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Commencement Information

I10 Sch. 14 para. 23 in force at 1.10.2008 for E.W.N.I. by [S.I. 2008/2503](#), [art. 2\(c\)](#)

- 24 Section 12 of that Act (conviction of an offence under section 1 in proceedings for an offence under section 2 or 3) is repealed.

Commencement Information

I11 Sch. 14 para. 24 in force at 1.10.2008 for E.W.N.I. by [S.I. 2008/2503](#), [art. 2\(c\)](#)

- 25 (1) Section 13 of that Act (proceedings in Scotland) is amended as follows.
- (2) In subsection (1), for paragraph (b) there is substituted—
- “(b) any computer containing any program or data to which the accused by doing that act secured or intended to secure unauthorised access, or enabled or intended to enable unauthorised access to be secured, was in the sheriffdom at that time.”
- (3) In subsection (2)—
- (a) in paragraph (a), for “he did the act which caused the unauthorised modification” there is substituted “ he did the unauthorised act (or caused it to be done) ”;
- (b) for paragraph (b) there is substituted—
- “(b) the unauthorised act was done in relation to a computer in the sheriffdom.”
- (4) Subsections (3) to (7) are omitted.
- (5) In subsection (8), the words from “commenced” to the end are omitted.

Commencement Information

I12 Sch. 14 para. 25 in force at 1.10.2007 for S. by [S.S.I. 2007/434](#), [art. 2\(c\)](#)

- 26 Section 14 of that Act (search warrants for offences under section 1) is repealed.

Commencement Information

I13 Sch. 14 para. 26 in force at 1.10.2008 for E.W.N.I. by [S.I. 2008/2503](#), [art. 2\(c\)](#)

- 27 (1) Section 16 of that Act (application to Northern Ireland) is amended as follows.
- (2) After subsection (1) there is inserted—
- “(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.”
- (3) After subsection (2) there is inserted—

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“(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.”

(4) Subsection (3) is omitted.

(5) Before subsection (4) there is inserted—

“(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.”

(6) After the subsection inserted by sub-paragraph (5) there is inserted—

“(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 12 months shall be read as a reference to six months.”

(7) Subsections (10), (11) and (12) are omitted.

Commencement Information

I14 Sch. 14 para. 27 in force at 1.10.2008 for E.W.N.I. by [S.I. 2008/2503](#), **art. 2(c)**

28 After that section there is inserted—

“16A Northern Ireland: search warrants for offences under section 1

(1) Where a county court judge is satisfied by information on oath given by a constable that there are reasonable grounds for believing—

- (a) that an offence under section 1 above has been or is about to be committed in any premises, and
- (b) that evidence that such an offence has been or is about to be committed is in those premises,

he may issue a warrant authorising a constable to enter and search the premises, using such reasonable force as is necessary.

(2) The power conferred by subsection (1) above does not extend to authorising a search for material of the kinds mentioned in Article 11(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (privileged, excluded and special procedure material).

(3) A warrant under this section—

- (a) may authorise persons to accompany any constable executing the warrant; and
- (b) remains in force for twenty-eight days from the date of its issue.

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- (4) In exercising a warrant issued under this section a constable may seize an article if he reasonably believes that it is evidence that an offence under section 1 above has been or is about to be committed.
- (5) In this section “premises” includes land, buildings, movable structures, vehicles, vessels, aircraft and hovercraft.
- (6) This section extends only to Northern Ireland.”

Commencement Information

I15 Sch. 14 para. 28 in force at 1.10.2008 for N.I. by [S.I. 2008/2503](#), [art. 3\(b\)](#)

- 29 (1) Section 17 of that Act (interpretation) is amended as follows.
- (2) [^{F2}In subsection (2), after “such access” there is inserted “ or to enable such access to be secured ”.]
 - (3) Subsection (7) is omitted.
 - (4) For subsection (8) there is substituted—
 - “(8) An act done in relation to a computer is unauthorised if the person doing the act (or causing it to be done)—
 - (a) is not himself a person who has responsibility for the computer and is entitled to determine whether the act may be done; and
 - (b) does not have consent to the act from any such person.

In this subsection “act” includes a series of acts.”

Textual Amendments

F2 Sch. 14 para. 29(2) repealed (E.W.N.I.) (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 61(5), 94(1), [Sch. 14](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), [art. 2\(a\)\(i\)](#)

Commencement Information

I16 Sch. 14 para. 29 in force at 1.10.2007 for S. by [S.S.I. 2007/434](#), [art. 2\(c\)](#)

I17 Sch. 14 para. 29 in force at 1.10.2008 for E.W.N.I. by [S.I. 2008/2503](#), [art. 2\(c\)](#)

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