



Police and Justice Act 2006

2006 CHAPTER 48

PART 5

MISCELLANEOUS

Computer misuse

38 Transitional and saving provision

[^{F1}(1) The amendments made by—

- (a) subsection (2) of section 35, and
- (b) paragraphs 19(2), 25(2) and 29(2) of Schedule 14,

apply only where every act or other event proof of which is required for conviction of an offence under section 1 of the 1990 Act takes place after that subsection comes into force.]

(2) The amendments made by—

- (a) subsection (3) of section 35, and
- (b) paragraphs 23, 24, 25(4) and (5), 26, 27(2) and (7) and 28 of Schedule 14,

do not apply in relation to an offence committed before that subsection comes into force.

(3) An offence is not committed under the new section 3 unless every act or other event proof of which is required for conviction of the offence takes place after section 36 above comes into force.

(4) In relation to a case where, by reason of subsection (3), an offence is not committed under the new section 3—

- (a) section 3 of the 1990 Act has effect in the form in which it was enacted;
- (b) paragraphs 19(3), 25(3) to (5), 27(4) and (5) and 29(3) and (4) of Schedule 14 do not apply.

Status: Point in time view as at 07/02/2023.

Changes to legislation: There are currently no known outstanding effects for the Police and Justice Act 2006, Section 38. (See end of Document for details)

- (5) An offence is not committed under the new section 3A unless every act or other event proof of which is required for conviction of the offence takes place after section 37 above comes into force.
- (6) In the case of an offence committed before [^{F2}2 May 2022], the following provisions have effect as if for “[^{F3}the general limit in a magistrates’ court]” there were substituted “six months”
- (a) paragraph (a) of the new section 1(3);
 - (b) paragraph (a) of the new section 2(5);
 - (c) subsection (6)(a) of the new section 3;
 - (d) subsection (5)(a) of the new section 3A.
- (7) In this section—
- (a) “the new section 1(3)” means the subsection (3) substituted in section 1 of the 1990 Act by section 35 above;
 - (b) “the new section 2(5)” means the subsection (5) substituted in section 2 of the 1990 Act by paragraph 17 of Schedule 14 to this Act;
 - (c) “the new section 3” means the section 3 substituted in the 1990 Act by section 36 above;
 - (d) “the new section 3A” means the section 3A inserted in the 1990 Act by section 37 above.

Textual Amendments

- F1** S. 38(1) repealed (E.W.N.I.) (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 61(4), 94(1), **Sch. 14** (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), art. 2(a)(i)
- F2** Words in s. 38(6) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), **Sch. Pt. 1**
- F3** Words in s. 38(6) 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**

Commencement Information

- I1** S. 38 in force at 1.10.2007 for S. by [S.S.I. 2007/434](#), **art. 2(a)**
- I2** S. 38 in force at 1.10.2008 for E.W.N.I. by [S.I. 2008/2503](#), **art. 2(a)**

Status:

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Changes to legislation:

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