



# Police and Justice Act 2006

## 2006 CHAPTER 48

### PART 5

#### MISCELLANEOUS

#### *Computer misuse*

### **38 Transitional and saving provision**

- (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.

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*Status: This is the original version (as it was originally enacted).*

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- (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 section 154(1) of the Criminal Justice Act 2003 (c. 44) comes into force, the following provisions have effect as if for “12 months” 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.