



Computer Misuse Act 1990

1990 CHAPTER 18

Jurisdiction

4 Territorial scope of [^{F1} offences under [^{F2} this Act]].

- (1) Except as provided below in this section, it is immaterial for the purposes of any offence under [^{F3}section 1, 3 or 3ZA] above—
 - (a) whether any act or other event proof of which is required for conviction of the offence occurred in the home country concerned; or
 - (b) whether the accused was in the home country concerned at the time of any such act or event.
- (2) Subject to subsection (3) below, in the case of such an offence at least one significant link with domestic jurisdiction must exist in the circumstances of the case for the offence to be committed.
- (3) There is no need for any such link to exist for the commission of an offence under section 1 above to be established in proof of an allegation to that effect in proceedings for an offence under section 2 above.
- (4) Subject to section 8 below, where—
 - (a) any such link does in fact exist in the case of an offence under section 1 above; and
 - (b) commission of that offence is alleged in proceedings for an offence under section 2 above;

section 2 above shall apply as if anything the accused intended to do or facilitate in any place outside the home country concerned which would be an offence to which section 2 applies if it took place in the home country concerned were the offence in question.

- [^{F4}(4A) It is immaterial for the purposes of an offence under section 3A whether the accused was in the home country concerned at the time of any act or other event proof of which is required for conviction of the offence if there is a significant link with domestic jurisdiction in relation to the offence.]

Status: Point in time view as at 03/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Computer Misuse Act 1990, Section 4. (See end of Document for details)

- (5) This section is without prejudice to any jurisdiction exercisable by a court in Scotland apart from this section.
- (6) References in this Act to the home country concerned are references—
- (a) in the application of this Act to England and Wales, to England and Wales;
 - (b) in the application of this Act to Scotland, to Scotland; and
 - (c) in the application of this Act to Northern Ireland, to Northern Ireland.

Textual Amendments

- F1** S. 4 heading: words substituted (1.10.2007 for S. and 1.10.2008 otherwise) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 18](#); [S.S.I. 2007/434](#), [art. 2](#); [S.I. 2008/2503](#), [art. 2](#)
- F2** Words in s. 4 heading substituted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 9](#); [S.I. 2015/820](#), [reg. 2\(r\)\(iii\)](#)
- F3** Words in s. 4(1) substituted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 43\(2\)](#), 88(1) (with s. 86(10)); [S.I. 2015/820](#), [reg. 2\(c\)](#)
- F4** S. 4(4A) inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 43\(3\)](#), 88(1) (with s. 86(10)); [S.I. 2015/820](#), [reg. 2\(c\)](#)

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