



Computer Misuse Act 1990

1990 CHAPTER 18

Jurisdiction

5 Significant links with domestic jurisdiction.

(1) The following provisions of this section apply for the interpretation of section 4 above.

[^{F1}(1A) In relation to an offence under section 1, 3, 3ZA or 3A, where the accused was in a country outside the United Kingdom at the time of the act constituting the offence there is a significant link with domestic jurisdiction if—

- (a) the accused was a United Kingdom national at that time; and
- (b) the act constituted an offence under the law of the country in which it occurred.

(1B) In subsection (1A)—

“country” includes territory;

“United Kingdom national” means an individual who is—

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen;
- (b) a person who under the British Nationality Act 1981 is a British subject; or
- (c) a British protected person within the meaning of that Act.]

(2) In relation to an offence under section 1, either of the following is a significant link with domestic jurisdiction—

- (a) that the accused was in the home country concerned at the time when he did the act which caused the computer to perform the function; or

[^{F2}(b) that any computer containing any program or data to which the accused secured or intended to secure unauthorised access by doing that act was in the home country concerned at that time.]

[^{F2}(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.]

Changes to legislation: There are currently no known outstanding effects for the Computer Misuse Act 1990, Section 5. (See end of Document for details)

- (3) In relation to an offence under section 3, either of the following is a significant link with domestic jurisdiction—
- (a) that the accused was in the home country concerned at the time when [^{F3}he did the unauthorised act (or caused it to be done)] ; or
 - [^{F4}(b) that the unauthorised act was done in relation to a computer in the home country concerned.]
- [^{F5}(3A) In relation to an offence under section 3ZA, any of the following is also a significant link with domestic jurisdiction—
- (a) that the accused was in the home country concerned at the time when he did the unauthorised act (or caused it to be done);
 - (b) that the unauthorised act was done in relation to a computer in the home country concerned;
 - (c) that the unauthorised act caused, or created a significant risk of, serious damage of a material kind (within the meaning of that section) in the home country concerned.]

Textual Amendments

- F1** S. 5(1A)(1B) inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 43\(4\)](#), 88(1) (with s. 86(10)); S.I. 2015/820, [reg. 2\(c\)](#)
- F2** S. 5(2)(b) (as second appearing) substituted (S.) (1.10.2007) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 52, 53](#), [Sch. 14 para. 19\(2\)](#) (with s. 38(1)); S.S.I. 2007/434, [art. 2](#) (the substituting provision being repealed for E.W.N.I. (1.10.2008) by [2007 c. 27](#), [ss. 61\(5\), 92, 94](#), [Sch. 14](#) (with [Sch. 13 para. 5](#)); S.I. 2008/2504, [art. 2\(a\)](#))
- F3** Words in s. 5(3)(a) 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. 19\(3\)\(a\)](#) (with s. 38(4)); S.S.I. 2007/434, [art. 2](#); S.I. 2008/2503, [art. 2](#)
- F4** S. 5(3)(b) 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. 19\(3\)\(b\)](#) (with s. 38(4)); S.S.I. 2007/434, [art. 2](#); S.I. 2008/2503, [art. 2](#)
- F5** S. 5(3A) inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 43\(5\)](#), 88(1) (with s. 86(10)); S.I. 2015/820, [reg. 2\(c\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Computer Misuse Act 1990, Section 5.