



# Computer Misuse Act 1990

## 1990 CHAPTER 18

### *Miscellaneous and general*

#### **13 Proceedings in Scotland.**

- (1) A sheriff shall have jurisdiction in respect of an offence under section 1 or 2 above if—
- (a) the accused was in the sheriffdom at the time when he did the act which caused the computer to perform the function; or
  - [<sup>F1</sup>(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.]
- (2) A sheriff shall have jurisdiction in respect of an offence under section 3 above if—
- (a) the accused was in the sheriffdom at the time when [<sup>F2</sup>he did the unauthorised act (or caused it to be done)] ; or
  - [<sup>F3</sup>(b) the unauthorised act was done in relation to a computer in the sheriffdom.]
- [<sup>F4</sup>(2A) A sheriff shall have jurisdiction in respect of an offence under section 3ZA above if—
- (a) the accused was in the sheriffdom at the time when he did the unauthorised act (or caused it to be done), or
  - (b) the computer in relation to which the unauthorised act was done was in the sheriffdom at that time.
- (2B) A sheriff shall have jurisdiction in respect of an offence under section 3A above if—
- (a) the accused was in the sheriffdom at the time when—
    - (i) he made, adapted, supplied or offered to supply the article intending it to be used as mentioned in subsection (1) of that section,
    - (ii) he supplied or offered to supply the article believing that it would be used as mentioned in subsection (2) of that section, or
    - (iii) he obtained the article intending to use it, or with a view to its being supplied for use, as mentioned in subsection (3) of that section; or
  - (b) the offence related to the commission of an offence under section 1, 3 or 3ZA above (in the way described in subsections (1) to (3) of section 3A above)

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*Changes to legislation: There are currently no known outstanding effects for the Computer Misuse Act 1990, Section 13. (See end of Document for details)*

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and any computer as mentioned in subsection (1)(b), (2)(b) or (2A)(b) of this section was in the sheriffdom at the time the accused carried out the act constituting the offence under section 3A above.]

- (3) <sup>F5</sup> . . . . .
- (4) <sup>F5</sup> . . . . .
- (5) <sup>F5</sup> . . . . .
- (6) <sup>F5</sup> . . . . .
- (7) <sup>F5</sup> . . . . .
- (8) In proceedings in which a person is charged with an offence under section 2 or 3 above and is found not guilty or is acquitted of that charge, he may be found guilty of an offence under section 1 above if on the facts shown he could have been found guilty of that offence in proceedings for that offence <sup>F6</sup> . . . .
- (9) Subsection (8) above shall apply whether or not an offence under section 1 above has been labelled in the complaint or indictment.
- (10) A person found guilty of an offence under section 1 above by virtue of subsection (8) above shall be liable, in respect of that offence, only to the penalties set out in section 1.
- [<sup>F7</sup>(10A) Where an offence under section 1, 3, 3ZA or 3A above is committed outside Scotland, the person committing the offence may be prosecuted, tried and punished for the offence—
- (a) in any sheriff court district in Scotland in which the person is apprehended or is in custody, or
- (b) in such sheriff court district as the Lord Advocate may direct,
- as if the offence had been committed in that district; and the offence is, for all purposes incidental to or consequential on the trial or punishment, deemed to have been committed in that district.]
- (11) This section extends to Scotland only.

#### Textual Amendments

- F1** S. 13(1)(b) substituted (1.10.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, **Sch. 14 para. 25(2)** (with s. 38(1)); S.S.I. 2007/434, **art. 2**
- F2** Words in s. 13(2)(a) substituted (1.10.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, **Sch. 14 para. 25(3)(a)** (with s. 38(4)); S.S.I. 2007/434, **art. 2**
- F3** S. 13(2)(b) substituted (1.10.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, **Sch. 14 para. 25(3)(b)** (with s. 38(4)); S.S.I. 2007/434, **art. 2**
- F4** S. 13(2A)(2B) inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), **ss. 43(6)**, 88(1) (with s. 86(10)); S.I. 2015/820, reg. 2(c)
- F5** S. 13(3)-(7) repealed (1.10.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, Sch. 14 para. 25(4), **Sch. 15 Pt. 4** (with s. 38(2)(4)); S.S.I. 2007/434, **art. 2**
- F6** Words in s. 13(8) repealed (1.10.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, Sch. 14 para. 25(5), **Sch. 15 Pt. 4** (with s. 38(2)(4)); S.S.I. 2007/434, **art. 2**
- F7** S. 13(10A) inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), **ss. 43(7)**, 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 13.