



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
 - (b) 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 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 he did the act which caused the unauthorised modification; or
 - (b) the unauthorised modification took place in the sheriffdom.
- (3) Subject to subsection (4) below, summary proceedings for an offence under section 1, 2 or 3 above may be commenced within a period of six months from the date on which evidence sufficient in the opinion of the procurator fiscal to warrant proceedings came to his knowledge.
- (4) No such proceedings shall be commenced by virtue of this section more than three years after the commission of the offence.
- (5) For the purposes of this section, a certificate signed by or on behalf of the procurator fiscal and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.
- (6) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.
- (7) Subsection (3) of section 331 of the Criminal Procedure (Scotland) Act 1975 (date of commencement of proceedings) shall apply for the purposes of this section as it applies for the purposes of that section.

Status: This is the original version (as it was originally enacted).

- (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 commenced before the expiry of any time limit under this section applicable to such proceedings.
- (9) Subsection (8) above shall apply whether or not an offence under section 1 above has been libelled 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.
- (11) This section extends to Scotland only.