



# Computer Misuse Act 1990

## 1990 CHAPTER 18

### *Jurisdiction*

#### **7 Territorial scope of inchoate offences related to offences under external law corresponding to offences under this Act**

(1) The following subsections shall be inserted after subsection (1) of section 1 of the Criminal Law Act 1977—

“(1A) Subject to section 8 of the Computer Misuse Act 1990 (relevance of external law), if this subsection applies to an agreement, this Part of this Act has effect in relation to it as it has effect in relation to an agreement falling within subsection (1) above.

(1B) Subsection (1A) above applies to an agreement if—

- (a) a party to it, or a party’s agent, did anything in England and Wales in relation to it before its formation; or
- (b) a party to it became a party in England and Wales (by joining it either in person or through an agent); or
- (c) a party to it, or a party’s agent, did or omitted anything in England and Wales in pursuance of it;

and the agreement would fall within subsection (1) above as an agreement relating to the commission of a computer misuse offence but for the fact that the offence would not be an offence triable in England and Wales if committed in accordance with the parties’ intentions.”.

(2) The following subsections shall be inserted after subsection (4) of that section—

“(5) In the application of this Part of this Act to an agreement to which subsection (1A) above applies any reference to an offence shall be read as a reference to what would be the computer misuse offence in question but for the fact that it is not an offence triable in England and Wales.

(6) In this section “computer misuse offence” means an offence under the Computer Misuse Act 1990.”.

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*Status: This is the original version (as it was originally enacted).*

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- (3) The following subsections shall be inserted after section 1(1) of the Criminal Attempts Act 1981—
- “(1A) Subject to section 8 of the Computer Misuse Act 1990 (relevance of external law), if this subsection applies to an act, what the person doing it had in view shall be treated as an offence to which this section applies.
- (1B) Subsection (1A) above applies to an act if—
- (a) it is done in England and Wales; and
  - (b) it would fall within subsection (1) above as more than merely preparatory to the commission of an offence under section 3 of the Computer Misuse Act 1990 but for the fact that the offence, if completed, would not be an offence triable in England and Wales.”.

(4) Subject to section 8 below, if any act done by a person in England and Wales would amount to the offence of incitement to commit an offence under this Act but for the fact that what he had in view would not be an offence triable in England and Wales—

    - (a) what he had in view shall be treated as an offence under this Act for the purposes of any charge of incitement brought in respect of that act; and
    - (b) any such charge shall accordingly be triable in England and Wales.