



# Computer Misuse Act 1990

## 1990 CHAPTER 18

### *Computer misuse offences*

#### **1 Unauthorised access to computer material.**

- (1) A person is guilty of an offence if—
- (a) he causes a computer to perform any function with intent to secure access to any program or data held in any computer [<sup>F1</sup>, or to enable any such access to be secured];
  - (b) the access he intends to secure [<sup>F2</sup>, or to enable to be secured,] is unauthorised; and
  - (c) he knows at the time when he causes the computer to perform the function that that is the case.
- (2) The intent a person has to have to commit an offence under this section need not be directed at—
- (a) any particular program or data;
  - (b) a program or data of any particular kind; or
  - (c) a program or data held in any particular computer.

- [<sup>F3</sup>(3) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding [<sup>F4</sup>the general limit in a magistrates' court] or to a fine not exceeding the statutory maximum or to both;
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding [<sup>F5</sup>12] months or to a fine not exceeding the statutory maximum or to both;
  - (c) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.]

*Status: Point in time view as at 07/02/2023.*

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

### Textual Amendments

- F1** Words in s. 1(1)(a) inserted (S.) (1.10.2007) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 35\(2\)\(a\)](#), 53 (with [s. 38\(1\)](#)); [S.S.I. 2007/434](#), [art. 2](#) (the inserting provision being repealed for E.W.N.I. (1.10.2008) by [2007 c. 27](#), [ss. 61\(2\)](#), 92, 94, [Sch. 14](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), [art. 2\(a\)\(i\)\(viii\)](#))
- F2** Words in s. 1(1)(b) inserted (S.) (1.10.2007) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 35\(2\)\(b\)](#), 53 (with [s. 38\(1\)](#)); [S.S.I. 2007/434](#), [art. 2](#) (the inserting provision being repealed for E.W.N.I. (1.10.2008) by [2007 c. 27](#), [ss. 61\(2\)](#), 92, 94, [Sch. 14](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), [art. 2\(a\)\(i\)\(viii\)](#))
- F3** S. 1(3) substituted (1.10.2007 for S. and 1.10.2008 otherwise) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 35\(3\)](#), 53 (with [s. 38\(2\)\(6\)](#)); [S.S.I. 2007/434](#), [art. 2](#); [S.I. 2008/2503](#), [art. 2\(a\)](#)
- F4** Words in s. 1(3)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), [regs. 1\(2\)](#), 2(1), [Sch. Pt. 1](#) table
- F5** Word in s. 1(3)(b) substituted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [s. 88\(1\)](#), [Sch. 4 para. 7\(a\)](#); [S.I. 2015/820](#), [reg. 2\(r\)\(iii\)](#)

## 2 Unauthorised access with intent to commit or facilitate commission of further offences.

- (1) A person is guilty of an offence under this section if he commits an offence under section 1 above (“the unauthorised access offence”) with intent—
- (a) to commit an offence to which this section applies; or
  - (b) to facilitate the commission of such an offence (whether by himself or by any other person);
- and the offence he intends to commit or facilitate is referred to below in this section as the further offence.
- (2) This section applies to offences—
- (a) for which the sentence is fixed by law; or
  - (b) for which a person who has attained the age of twenty-one years (eighteen in relation to England and Wales) and has no previous convictions may be sentenced to imprisonment for a term of five years (or, in England and Wales, might be so sentenced but for the restrictions imposed by section 33 of the <sup>MI</sup>Magistrates’ Courts Act 1980).
- (3) It is immaterial for the purposes of this section whether the further offence is to be committed on the same occasion as the unauthorised access offence or on any future occasion.
- (4) A person may be guilty of an offence under this section even though the facts are such that the commission of the further offence is impossible.
- [<sup>F6</sup>(5) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding [<sup>F7</sup>the general limit in a magistrates’ court] or to a fine not exceeding the statutory maximum or to both;
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding [<sup>F8</sup>12] months or to a fine not exceeding the statutory maximum or to both;
  - (c) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both.]

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#### Textual Amendments

- F6** S. 2(5) 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. 17](#) (with s. 38(6)); S.S.I. 2007/434, [art. 2](#); S.I. 2008/2503, [art. 2\(c\)](#)
- F7** Words in s. 2(5)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#) table
- F8** Word in s. 2(5)(b) substituted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 7\(b\)](#); S.I. 2015/820, reg. 2(r)(iii)

#### Marginal Citations

- M1** 1980 c. 43.

### [<sup>F9</sup>3] **Unauthorised acts with intent to impair, or with recklessness as to impairing, operation of computer, etc.**

- (1) A person is guilty of an offence if—
- he does any unauthorised act in relation to a computer;
  - at the time when he does the act he knows that it is unauthorised; and
  - either subsection (2) or subsection (3) below applies.
- (2) This subsection applies if the person intends by doing the act—
- to impair the operation of any computer;
  - to prevent or hinder access to any program or data held in any computer; [<sup>F10</sup>or]
  - to impair the operation of any such program or the reliability of any such data; [<sup>F11</sup>or]
  - to enable any of the things mentioned in paragraphs (a) to (c) above to be done.]]
- (3) This subsection applies if the person is reckless as to whether the act will do any of the things mentioned in paragraphs (a) [<sup>F12</sup>to (d)] [<sup>F12</sup>to (c)] of subsection (2) above.
- (4) The intention referred to in subsection (2) above, or the recklessness referred to in subsection (3) above, need not relate to—
- any particular computer;
  - any particular program or data; or
  - a program or data of any particular kind.
- (5) In this section—
- a reference to doing an act includes a reference to causing an act to be done;
  - “act” includes a series of acts;
  - a reference to impairing, preventing or hindering something includes a reference to doing so temporarily.
- (6) A person guilty of an offence under this section shall be liable—
- on summary conviction in England and Wales, to imprisonment for a term not exceeding [<sup>F13</sup>the general limit in a magistrates' court] or to a fine not exceeding the statutory maximum or to both;
  - on summary conviction in Scotland, to imprisonment for a term not exceeding [<sup>F14</sup>12] months or to a fine not exceeding the statutory maximum or to both;

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- (c) on conviction on indictment, to imprisonment for a term not exceeding ten years or to a fine or to both.

#### Textual Amendments

- F9** S. 3 substituted (1.10.2007 for S. and 1.10.2008 otherwise) by [Police and Justice Act 2006 \(c. 48\), ss. 36, 53](#) (with [s. 38\(3\)\(4\)\(6\)](#)); [S.S.I. 2007/434, art. 2](#); [S.I. 2008/2503, art. 2](#) (the substituting provision being amended for E.W.N.I. (1.10.2008) by [2007 c. 27, ss. 61\(3\), 94](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504, art. 2\(a\)](#))
- F10** Word at the end of s. 3(2)(b) inserted (E.W.N.I.) (1.10.2008) by virtue of [Serious Crime Act 2007 \(c. 27\), ss. 61\(3\)\(a\)\(i\), 94](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504, art. 2\(a\)](#)
- F11** S. 3(2)(d) and preceding word repealed (E.W.N.I.) (1.10.2008) by virtue of [Serious Crime Act 2007 \(c. 27\), ss. 61\(3\)\(a\)\(ii\), 92, 94, Sch. 14](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504, art. 2\(a\)\(i\)\(viii\)](#)
- F12** S. 3(3): Words "to (c)" substituted for words "to (d)" (E.W.N.I.) (1.10.2008) by virtue of [Serious Crime Act 2007 \(c. 27\), ss. 61\(3\)\(b\), 94](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504, art. 2\(a\)](#)
- F13** Words in s. 3(6)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\), regs. 1\(2\), 2\(1\), Sch. Pt. 1](#) table
- F14** Word in s. 3(6)(b) substituted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\), s. 88\(1\), Sch. 4 para. 7\(c\)](#); [S.I. 2015/820, reg. 2\(r\)\(iii\)](#)

#### [<sup>F15</sup>3ZA Unauthorised acts causing, or creating risk of, serious damage

- (1) A person is guilty of an offence if—
- (a) the person does any unauthorised act in relation to a computer;
  - (b) at the time of doing the act the person knows that it is unauthorised;
  - (c) the act causes, or creates a significant risk of, serious damage of a material kind; and
  - (d) the person intends by doing the act to cause serious damage of a material kind or is reckless as to whether such damage is caused.
- (2) Damage is of a “material kind” for the purposes of this section if it is—
- (a) damage to human welfare in any place;
  - (b) damage to the environment of any place;
  - (c) damage to the economy of any country; or
  - (d) damage to the national security of any country.
- (3) For the purposes of subsection (2)(a) an act causes damage to human welfare only if it causes—
- (a) loss to human life;
  - (b) human illness or injury;
  - (c) disruption of a supply of money, food, water, energy or fuel;
  - (d) disruption of a system of communication;
  - (e) disruption of facilities for transport; or
  - (f) disruption of services relating to health.
- (4) It is immaterial for the purposes of subsection (2) whether or not an act causing damage—
- (a) does so directly;
  - (b) is the only or main cause of the damage.

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- (5) In this section—
- (a) a reference to doing an act includes a reference to causing an act to be done;
  - (b) “act” includes a series of acts;
  - (c) a reference to a country includes a reference to a territory, and to any place in, or part or region of, a country or territory.
- (6) A person guilty of an offence under this section is (unless subsection (7) applies) liable, on conviction on indictment, to imprisonment for a term not exceeding 14 years, or to a fine, or to both.
- (7) Where an offence under this section is committed as a result of an act causing or creating a significant risk of—
- (a) serious damage to human welfare of the kind mentioned in subsection (3)(a) or (3)(b), or
  - (b) serious damage to national security,
- a person guilty of the offence is liable, on conviction on indictment, to imprisonment for life, or to a fine, or to both.]

#### Textual Amendments

**F15** S. 3ZA inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), ss. 41(2), 88(1); S.I. 2015/820, reg. 2(a)

#### [<sup>F16</sup>3A Making, supplying or obtaining articles for use in offence under [<sup>F17</sup>section 1, 3 or 3ZA]

- (1) A person is guilty of an offence if he makes, adapts, supplies or offers to supply any article intending it to be used to commit, or to assist in the commission of, an offence under [<sup>F18</sup>section 1, 3 or 3ZA].
- (2) A person is guilty of an offence if he supplies or offers to supply any article believing that it is likely to be used to commit, or to assist in the commission of, an offence under [<sup>F19</sup>section 1, 3 or 3ZA].
- (3) A person is guilty of an offence if he obtains any [<sup>F20</sup>article—
- (a) intending to use it to commit, or to assist in the commission of, an offence under section 1, 3 or 3ZA, or
  - (b) with a view to]
- its being supplied for use to commit, or to assist in the commission of, an offence under [<sup>F21</sup>section 1, 3 or 3ZA].
- (4) In this section “ article ” includes any program or data held in electronic form.
- (5) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding [<sup>F22</sup>the general limit in a magistrates’ court] or to a fine not exceeding the statutory maximum or to both;
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding [<sup>F23</sup>12] months or to a fine not exceeding the statutory maximum or to both;
  - (c) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.]

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### Textual Amendments

- F16** S. 3A inserted (1.10.2007 for S. and 1.10.2008 otherwise) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 37, 53](#) (with [s. 38\(5\)\(6\)](#)); [S.S.I. 2007/434](#), [art. 2](#); [S.I. 2008/2503](#), [art. 2\(a\)](#)
- F17** Words in s. 3A heading substituted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [s. 88\(1\)](#), [Sch. 4 para. 8](#); [S.I. 2015/820](#), [reg. 2\(r\)\(iii\)](#)
- F18** Words in s. 3A(1) substituted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 41\(3\)](#), [88\(1\)](#); [S.I. 2015/820](#), [reg. 2\(a\)](#)
- F19** Words in s. 3A(2) substituted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 41\(3\)](#), [88\(1\)](#); [S.I. 2015/820](#), [reg. 2\(a\)](#)
- F20** Words in s. 3A(3) substituted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 42](#), [88\(1\)](#) (with [s. 86\(5\)](#)); [S.I. 2015/820](#), [reg. 2\(b\)](#)
- F21** Words in s. 3A(3) substituted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 41\(3\)](#), [88\(1\)](#); [S.I. 2015/820](#), [reg. 2\(a\)](#)
- F22** Words in s. 3A(5)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), [regs. 1\(2\), 2\(1\)](#), [Sch. Pt. 1 table](#)
- F23** Word in s. 3A(5)(b) substituted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [s. 88\(1\)](#), [Sch. 4 para. 7\(d\)](#); [S.I. 2015/820](#), [reg. 2\(r\)\(iii\)](#)

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