



# Computer Misuse Act 1990

## 1990 CHAPTER 18

### *Computer misuse offences*

#### **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—
- to commit an offence to which this section applies; or
  - 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—
- for which the sentence is fixed by law; or
  - 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>M1</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>F1</sup>(5) 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>F2</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>F3</sup>12] months or to a fine not exceeding the statutory maximum or to both;

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**Changes to legislation:** Computer Misuse Act 1990, Section 2 is up to date with all changes known to be in force on or before 26 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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

#### Textual Amendments

- F1** 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\(c\)](#)
- F2** 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
- F3** 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.

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**Changes and effects yet to be applied to :**

- s. 2(2)(b) words substituted by [2000 c. 43 Sch. 7 para. 98](#)