



Computer Misuse Act 1990

1990 CHAPTER 18

Computer misuse offences

- [^{F1}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—
 - (a) he does any unauthorised act in relation to a computer;
 - (b) at the time when he does the act he knows that it is unauthorised; and
 - (c) either subsection (2) or subsection (3) below applies.
 - (2) This subsection applies if the person intends by doing the act—
 - (a) to impair the operation of any computer;
 - (b) to prevent or hinder access to any program or data held in any computer; [^{F2}or]
 - (c) to impair the operation of any such program or the reliability of any such data; [^{F3}or
 - (d) 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) [^{F4}to (d)] [^{F4}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—
 - (a) any particular computer;
 - (b) any particular program or data; or
 - (c) a program or data of any particular kind.
 - (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 impairing, preventing or hindering something includes a reference to doing so temporarily.

Changes to legislation: There are currently no known outstanding effects for the Computer Misuse Act 1990, Section 3. (See end of Document for details)

- (6) 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 12 months 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 [^{F5}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 ten years or to a fine or to both.

Annotations:

Amendments (Textual)

- F1** 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\(a\)](#))
- F2** 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\(a\)](#)
- F3** 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\(a\)\(i\)\(viii\)](#)
- F4** 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\(a\)](#)
- F5** 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\(r\)\(iii\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Computer Misuse Act 1990, Section 3.