



Serious Crime Act 2015

2015 CHAPTER 9

PART 2

COMPUTER MISUSE

41 Unauthorised acts causing, or creating risk of, serious damage

- (1) The Computer Misuse Act 1990 is amended as follows.
- (2) After section 3 insert—

“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;

Status: This is the original version (as it was originally enacted).

- (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.
- (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.”
- (3) In section 3A (making, supplying or obtaining articles for use in offences under section 1 or 3), in subsections (1), (2) and (3), for “section 1 or 3” substitute “section 1, 3 or 3ZA”.