



# 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.]

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*Status: Point in time view as at 07/02/2023.*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, Section 1. (See end of Document for details)*

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### 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48\)](#), [ss. 35\(2\)\(a\)](#), 53 (with s. 38(1)); [S.S.I. 2007/434](#), [art. 2](#) (the inserting provision being repealed for E.W.N.I. (1.10.2008) by 2007 c. 27, ss. 61(2), 92, 94, Sch. 14 (with Sch. 13 para. 5); S.I. 2008/2504, [art. 2\(a\)\(i\)\(viii\)](#))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48\)](#), [ss. 35\(2\)\(b\)](#), 53 (with s. 38(1)); [S.S.I. 2007/434](#), [art. 2](#) (the inserting provision being repealed for E.W.N.I. (1.10.2008) by 2007 c. 27, ss. 61(2), 92, 94, Sch. 14 (with Sch. 13 para. 5); S.I. 2008/2504, [art. 2\(a\)\(i\)\(viii\)](#))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)

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**Changes to legislation:**

There are currently no known outstanding effects for the Computer Misuse Act 1990, Section 1.