



# Computer Misuse Act 1990

## 1990 CHAPTER 18

### *Miscellaneous and general*

#### **17 Interpretation.**

- (1) The following provisions of this section apply for the interpretation of this Act.
- (2) A person secures access to any program or data held in a computer if by causing a computer to perform any function he—
  - (a) alters or erases the program or data;
  - (b) copies or moves it to any storage medium other than that in which it is held or to a different location in the storage medium in which it is held;
  - (c) uses it; or
  - (d) has it output from the computer in which it is held (whether by having it displayed or in any other manner);and references to access to a program or data (and to an intent to secure such access [<sup>F1</sup>or to enable such access to be secured]) shall be read accordingly.
- (3) For the purposes of subsection (2)(c) above a person uses a program if the function he causes the computer to perform—
  - (a) causes the program to be executed; or
  - (b) is itself a function of the program.
- (4) For the purposes of subsection (2)(d) above—
  - (a) a program is output if the instructions of which it consists are output; and
  - (b) the form in which any such instructions or any other data is output (and in particular whether or not it represents a form in which, in the case of instructions, they are capable of being executed or, in the case of data, it is capable of being processed by a computer) is immaterial.
- (5) Access of any kind by any person to any program or data held in a computer is unauthorised if—
  - (a) he is not himself entitled to control access of the kind in question to the program or data; and

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- (b) he does not have consent to access by him of the kind in question to the program or data from any person who is so entitled [<sup>F2</sup>but this subsection is subject to section 10.]
- (6) References to any program or data held in a computer include references to any program or data held in any removable storage medium which is for the time being in the computer; and a computer is to be regarded as containing any program or data held in any such medium.
- (7) <sup>F3</sup> .....
- [<sup>F4</sup>(8) An act done in relation to a computer is unauthorised if the person doing the act (or causing it to be done)—
- (a) is not himself a person who has responsibility for the computer and is entitled to determine whether the act may be done; and
- (b) does not have consent to the act from any such person.
- In this subsection “act” includes a series of acts.]
- (9) References to the home country concerned shall be read in accordance with section 4(6) above.
- (10) References to a program include references to part of a program.

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#### Textual Amendments

- F1** Words in s. 17(2) inserted (S.) (1.10.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 29\(2\)](#) (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(5), 92, 94, [Sch. 14](#) (with [Sch. 13 para. 5](#)); S.I. 2008/2504, [art. 2\(a\)\(i\)\(viii\)](#))
- F2** Words in s. 17(5)(b) inserted (3.2.1995) by [1994 c. 33, s. 162\(2\)](#); S.I. 1995/127, art. 2(1), [Sch. 1](#)
- F3** S. 17(7) repealed (1.10.2007 for S. and 1.10.2008 otherwise) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 14 para. 29\(3\)](#), [Sch. 15 Pt. 4](#) (with s. 38(4)); S.S.I. 2007/434, [art. 2](#); S.I. 2008/2503, [art. 2](#)
- F4** S. 17(8) 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. 29\(4\)](#) (with s. 38(4)); S.S.I. 2007/434, [art. 2](#); S.I. 2008/2503, [art. 2](#)

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