



# Computer Misuse Act 1990

## 1990 CHAPTER 18

### *Computer misuse offences*

- [<sup>F1</sup>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; [<sup>F2</sup>or]
    - (c) to impair the operation of any such program or the reliability of any such data; [<sup>F3</sup>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) [<sup>F4</sup>to (d)] [<sup>F4</sup>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.

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

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- (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 [<sup>F5</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>F6</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 ten years or to a fine or to both.

#### Textual Amendments

- 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** Words in [s. 3\(6\)\(a\)](#) 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](#)
- F6** 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.