Status: _Point in time view as at 01/10/2008._
Changes to legislation: _Computer Misuse Act 1990 is up to date with all changes known to be in force on or_
before 17 July 2023. There are changes that may be brought into force at a future date. Changes that have
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Computer Misuse Act 1990

1990 CHAPTER 18

An Act to make provision for securing computer material against unauthorised access or modification; and for connected purposes. [29th June 1990]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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 [**F1**, or to enable any such access to be secured] ;

   (b)   the access he intends to secure [**F2**, 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.

[**F3**(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 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 six 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.**]**

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Act 2006 (c. 48), **ss. 35(2)(a)**, 53 (with s. 38(1)); S.S.I. 2007/434, **art. 2** (the inserting provision being repealed for E.W.N.I. (1.10.2008) by 2007 c. 27, ss. 61(2), 92, 94, Sch. 14 (with Sch. 13 para. 5); S.I. 2008/2504, **art. 2(a)(i)(viii)**)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)**

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2   Unauthorised access with intent to commit or facilitate commission of further offences.

(1) A person is guilty of an offence under this section if he commits an offence under section 1 above ("the unauthorised access offence") with intent—

(a) to commit an offence to which this section applies; or

(b) to facilitate the commission of such an offence (whether by himself or by any other person);

and the offence he intends to commit or facilitate is referred to below in this section as the further offence.

(2) This section applies to offences—

(a) for which the sentence is fixed by law; or

(b) for which a person who has attained the age of twenty-one years (eighteen in relation to England and Wales) and has no previous convictions may be sentenced to imprisonment for a term of five years (or, in England and Wales, might be so sentenced but for the restrictions imposed by section 33 of the ^(M1)Magistrates' Courts Act 1980).

(3) It is immaterial for the purposes of this section whether the further offence is to be committed on the same occasion as the unauthorised access offence or on any future occasion.

(4) A person may be guilty of an offence under this section even though the facts are such that the commission of the further offence is impossible.

[^(F4)(5) 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 six 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 five years or to a fine or to both.**]**

Textual Amendments

F4 S. 2(5) 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. 17** (with s. 38(6)); S.S.I. 2007/434, **art. 2**; S.I. 2008/2503, **art. 2(c)**

Marginal Citations

M1 1980 c. 43.

[F53 **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; **[F6or]**

    (c)   to impair the operation of any such program or the reliability of any such data; **[F7or**

    (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) **[F8to (d)][F8to (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.

(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 six 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

F5   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)**)

F6   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)**

F7   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)**

F8   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)**

[F93A   Making, supplying or obtaining articles for use in offence under section 1 or 3

(1) A person is guilty of an offence if he makes, adapts, supplies or offers to supply any article intending it to be used to commit, or to assist in the commission of, an offence under section 1 or 3.

(2) A person is guilty of an offence if he supplies or offers to supply any article believing that it is likely to be used to commit, or to assist in the commission of, an offence under section 1 or 3.

(3) A person is guilty of an offence if he obtains any article with a view to its being supplied for use to commit, or to assist in the commission of, an offence under section 1 or 3.

(4) In this section "article" includes any program or data held in electronic form.

(5) 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 six 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.**]**

Textual Amendments

F9   S. 3A inserted (1.10.2007 for S. and 1.10.2008 otherwise) by Police and Justice Act 2006 (c. 48), **ss. 37**, 53 (with s. 38(5)(6)); S.S.I. 2007/434, **art. 2**; S.I. 2008/2503, **art. 2(a)**

Jurisdiction

4   Territorial scope of [F10 offences under sections 1 to 3].

(1) Except as provided below in this section, it is immaterial for the purposes of any offence under section 1 or 3 above—

   (a)   whether any act or other event proof of which is required for conviction of the offence occurred in the home country concerned; or

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> (b) whether the accused was in the home country concerned at the time of any such act or event.

(2) Subject to subsection (3) below, in the case of such an offence at least one significant link with domestic jurisdiction must exist in the circumstances of the case for the offence to be committed.

(3) There is no need for any such link to exist for the commission of an offence under section 1 above to be established in proof of an allegation to that effect in proceedings for an offence under section 2 above.

(4) Subject to section 8 below, where—

> (a) any such link does in fact exist in the case of an offence under section 1 above; and

> (b) commission of that offence is alleged in proceedings for an offence under section 2 above;

section 2 above shall apply as if anything the accused intended to do or facilitate in any place outside the home country concerned which would be an offence to which section 2 applies if it took place in the home country concerned were the offence in question.

(5) This section is without prejudice to any jurisdiction exercisable by a court in Scotland apart from this section.

(6) References in this Act to the home country concerned are references—

> (a) in the application of this Act to England and Wales, to England and Wales;

> (b) in the application of this Act to Scotland, to Scotland; and

> (c) in the application of this Act to Northern Ireland, to Northern Ireland.

Textual Amendments

F10 S. 4 heading: words 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. 18**; S.S.I. 2007/434, **art. 2**; S.I. 2008/2503, **art. 2**

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5   Significant links with domestic jurisdiction.

(1) The following provisions of this section apply for the interpretation of section 4 above.

(2) In relation to an offence under section 1, either of the following is a significant link with domestic jurisdiction—

> (a) that the accused was in the home country concerned at the time when he did the act which caused the computer to perform the function; or

> [F11(b) that any computer containing any program or data to which the accused secured or intended to secure unauthorised access by doing that act was in the home country concerned at that time.]

> [F11(b) that any computer containing any program or data to which the accused by doing that act secured or intended to secure unauthorised access, or enabled or intended to enable unauthorised access to be secured, was in the home country concerned at that time.]

(3) In relation to an offence under section 3, either of the following is a significant link with domestic jurisdiction—

(a) that the accused was in the home country concerned at the time when [**F12**he did the unauthorised act (or caused it to be done)] ; or

[**F13**(b) that the unauthorised act was done in relation to a computer in the home country concerned.]

Textual Amendments

F11 S. 5(2)(b) (as second appearing) substituted (S.) (1.10.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 19(2)** (with s. 38(1)); S.S.I. 2007/434, **art. 2** (the substituting 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)**)

F12 Words in s. 5(3)(a) 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. 19(3)(a)** (with s. 38(4)); S.S.I. 2007/434, **art. 2**; S.I. 2008/2503, **art. 2**

F13 S. 5(3)(b) 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. 19(3)(b)** (with s. 38(4)); S.S.I. 2007/434, **art. 2**; S.I. 2008/2503, **art. 2**

6   Territorial scope of inchoate offences related to [F14 offences under sections 1 to 3].

(1) On a charge of conspiracy to commit an [**F15**offence under section 1, 2 or 3 above] the following questions are immaterial to the accused's guilt—

(a) the question where any person became a party to the conspiracy; and

(b) the question whether any act, omission or other event occurred in the home country concerned.

(2) On a charge of attempting to commit an offence under section 3 above the following questions are immaterial to the accused's guilt—

(a) the question where the attempt was made; and

(b) the question whether it had an effect in the home country concerned.

(3) **F16**. . . . .

(4) This section does not extend to Scotland.

Textual Amendments

F14 S. 6 heading: words substituted (1.10.2008) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 20(a)**; S.I. 2008/2503, **art. 2**

F15 Words in s. 6(1) substituted (1.10.2008) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 20(b)**; S.I. 2008/2503, **art. 2**

F16 S. 6(3) repealed (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(1)(2), 92, 94, Sch. 6 para. 59(2), **Sch. 14** (with Sch. 13 para. 5); S.I. 2008/2504, **art. 2**

7   Territorial scope of inchoate offences related to offences under external law corresponding to [F17 offences under sections 1 to 3].

F18(1) . . . .

F18(2) . . . .

Status: *Point in time view as at 01/10/2008.*
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(3) The following subsections shall be inserted after section 1(1) of the **M2**Criminal Attempts Act 1981—

"(1A) Subject to section 8 of the Computer Misuse Act 1990 (relevance of external law), if this subsection applies to an act, what the person doing it had in view shall be treated as an offence to which this section applies.

(1B) Subsection (1A) above applies to an act if—
- (a) it is done in England and Wales; and
- (b) it would fall within subsection (1) above as more than merely preparatory to the commission of an offence under section 3 of the Computer Misuse Act 1990 but for the fact that the offence, if completed, would not be an offence triable in England and Wales.".

(4) **F19**. . . . .

Textual Amendments

F17 S. 7 heading: words substituted (1.10.2008) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 21(a)**; S.I. 2008/2503, **art. 2**

F18 S. 7(1)(2) repealed (4.9.1998) by 1998 c. 40, s. 9(2), **Sch. 2 Pt. II** (with s. 9(3))

F19 S. 7(4) repealed (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(1)(2), 92, 94, Sch. 6 para. 59(3), **Sch. 14** (with Sch. 13 para. 5); S.I. 2008/2504, **art. 2**

Marginal Citations

M2 1981 c. 47.

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8   Relevance of external law.

(1) A person is guilty of an offence triable by virtue of section 4(4) above only if what he intended to do or facilitate would involve the commission of an offence under the law in force where the whole or any part of it was intended to take place.

F20(2) . . . .

(3) A person is guilty of an offence triable by virtue of section 1(1A) of the **M3**Criminal Attempts Act 1981 **F21**. . . only if what he had in view would involve the commission of an offence under the law in force where the whole or any part of it was intended to take place.

(4) Conduct punishable under the law in force in any place is an offence under that law for the purposes of this section, however it is described in that law.

(5) Subject to subsection (7) below, a condition specified in [**F22**subsection (1) or (3)] above shall be taken to be satisfied unless not later than rules of court may provide the defence serve on the prosecution a notice—
- (a) stating that, on the facts as alleged with respect to the relevant conduct, the condition is not in their opinion satisfied;
- (b) showing their grounds for that opinion; and
- (c) requiring the prosecution to show that it is satisfied.

(6) In subsection (5) above "the relevant conduct" means—

(a)   where the condition in subsection (1) above is in question, what the accused
intended to do or facilitate;

F20(b)   . . . .

(c)   where the condition in subsection (3) above is in question, what the accused
had in view.

(7)   The court, if it thinks fit, may permit the defence to require the prosecution to show
that the condition is satisfied without the prior service of a notice under subsection (5)
above.

(8)   If by virtue of subsection (7) above a court of solemn jurisdiction in Scotland permits
the defence to require the prosecution to show that the condition is satisfied, it shall
be competent for the prosecution for that purpose to examine any witness or to put in
evidence any production not included in the lists lodged by it.

(9)   In the Crown Court the question whether the condition is satisfied shall be decided
by the judge alone.

(10)   In the High Court of Justiciary and in the sheriff court the question whether the
condition is satisfied shall be decided by the judge or, as the case may be, the sheriff
alone.

Textual Amendments

F20   S. 8(2)(6)(b) repealed (4.9.1998) by 1998 c. 40, s. 9(2), Sch. 1 Pt. II para. 6(1)(a)(c), **Sch. 2 Pt. II**
(with s. 9(3))

F21   Words in s. 8(3) repealed (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(1)(2), 92, 94, Sch. 6
para. 59(4), **Sch. 14** (with Sch. 13 para. 5); S.I. 2008/2504, **art. 2**

F22   Words in s. 8(5) substituted (4.9.1998) by 1998 c. 40, s. 9(1), **Sch. 1 Pt. II para. 6(1)(b)** (with s. 9(3))

Marginal Citations

M3   1981 c. 47.

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9   British citizenship immaterial.

(1)   In any proceedings brought in England and Wales in respect of any offence to which
this section applies it is immaterial to guilt whether or not the accused was a British
citizen at the time of any act, omission or other event proof of which is required for
conviction of the offence.

(2)   This section applies to the following offences—

(a)   any **[F23**offence under section 1, 2 or 3 above**]** ;

F24(b)   . . . .

(c)   any attempt to commit an offence under section 3 above; and

(d)   **F25** . . . .

Textual Amendments

F23   Words in s. 9(2)(a) substituted (1.10.2008) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14
para. 22**; S.I. 2008/2503, **art. 2**

F24   S. 9(2)(b) repealed (4.9.1998) by 1998 c. 40, s. 9(1)(2), Sch. 1 Pt. II para. 6(2), **Sch. 2 Pt. II** (with s.
9(3))

F25 S. 9(2)(d) repealed (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(1)(2), 92, 94, Sch. 6 para. 59(5), **Sch. 14** (with Sch. 13 para. 5); S.I. 2008/2504, **art. 2**

Miscellaneous and general

10   Saving for certain law enforcement powers.

Section 1(1) above has effect without prejudice to the operation—

(a) in England and Wales of any enactment relating to powers of inspection, search or seizure; and

(b) in Scotland of any enactment or rule of law relating to powers of examination, search or seizure

[^F26^and nothing designed to indicate a withholding of consent to access to any program or data from persons as enforcement officers shall have effect to make access unauthorised for the purposes of the said section 1(1).

In this section "enforcement officer" means a constable or other person charged with the duty of investigating offences; and withholding consent from a person "as" an enforcement officer of any description includes the operation, by the person entitled to control access, of rules whereby enforcement officers of that description are, as such, disqualified from membership of a class of persons who are authorised to have access.]

Textual Amendments

F26   Words in s. 10 inserted (3.2.1995) by 1994 c. 33, **s. 162(1)**; S.I. 1995/127, art. 2(1), **Sch. 1**

11   Proceedings for offences under section 1.

^F27^ . . . .

Textual Amendments

F27   S. 11 repealed (1.10.2008) by Police and Justice Act 2006 (c. 48), ss. 52, 53, Sch. 14 para. 23, **Sch. 15 Pt. 4** (with s. 38(2)); S.I. 2008/2503, **art. 2**

12   Conviction of an offence under section 1 in proceedings for an offence under section 2 or 3.

^F28^ . . . .

Textual Amendments

F28   S. 12 repealed (1.10.2008) by Police and Justice Act 2006 (c. 48), ss. 52, 53, Sch. 14 para. 24, **Sch. 15 Pt. 4** (with s. 38(2)); S.I. 2008/2503, **art. 2**

13   Proceedings in Scotland.

(1) A sheriff shall have jurisdiction in respect of an offence under section 1 or 2 above if—

     (a)   the accused was in the sheriffdom at the time when he did the act which caused the computer to perform the function; or

[^{**F29**}(b)   any computer containing any program or data to which the accused by doing that act secured or intended to secure unauthorised access, or enabled or intended to enable unauthorised access to be secured, was in the sheriffdom at that time.**]**

(2) A sheriff shall have jurisdiction in respect of an offence under section 3 above if—

     (a)   the accused was in the sheriffdom at the time when **[**^{**F30**}he did the unauthorised act (or caused it to be done)**]** ; or

[^{**F31**}(b)   the unauthorised act was done in relation to a computer in the sheriffdom.**]**

(3) ^{**F32**}. . . . .

(4) ^{**F32**}. . . . .

(5) ^{**F32**}. . . . .

(6) ^{**F32**}. . . . .

(7) ^{**F32**}. . . . .

(8) In proceedings in which a person is charged with an offence under section 2 or 3 above and is found not guilty or is acquitted of that charge, he may be found guilty of an offence under section 1 above if on the facts shown he could have been found guilty of that offence in proceedings for that offence ^{**F33**}. . . .

(9) Subsection (8) above shall apply whether or not an offence under section 1 above has been libelled in the complaint or indictment.

(10) A person found guilty of an offence under section 1 above by virtue of subsection (8) above shall be liable, in respect of that offence, only to the penalties set out in section 1.

(11) This section extends to Scotland only.

Textual Amendments

F29 S. 13(1)(b) substituted (1.10.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 25(2)** (with s. 38(1)); S.S.I. 2007/434, **art. 2**

F30 Words in s. 13(2)(a) substituted (1.10.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 25(3)(a)** (with s. 38(4)); S.S.I. 2007/434, **art. 2**

F31 S. 13(2)(b) substituted (1.10.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 25(3)(b)** (with s. 38(4)); S.S.I. 2007/434, **art. 2**

F32 S. 13(3)-(7) repealed (1.10.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, Sch. 14 para. 25(4), **Sch. 15 Pt. 4** (with s. 38(2)(4)); S.S.I. 2007/434, **art. 2**

F33 Words in s. 13(8) repealed (1.10.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, Sch. 14 para. 25(5), **Sch. 15 Pt. 4** (with s. 38(2)(4)); S.S.I. 2007/434, **art. 2**

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14   **Search warrants for offences under section 1.**

    ^{**F34**}. . . . .

Textual Amendments

F34   S. 14 repealed (1.10.2008) by Police and Justice Act 2006 (c. 48), ss. 52, 53, Sch. 14 para. 26, **Sch. 15 Pt. 4** (with s. 38(2)); S.I. 2008/2503, **art. 2**

15   Extradition where Schedule 1 to the Extradition Act 1989 applies.

F35 . . . .

Textual Amendments

F35   S. 15 repealed (1.1.2004) by Extradition Act 2003 (c. 41), ss. 219, 220, 221, Sch. 3 para. 7, **Sch. 4**; S.I. 2003/3103, **art. 2** (subject to savings in order arts 3-5 as amended by S.I. 2003/3312 and S.I. 2003/3258)

16   Application to Northern Ireland.

(1) The following provisions of this section have effect for applying this Act in relation to Northern Ireland with the modifications there mentioned.

[F36(1A) In section 1(3)(a)—

   (a)   the reference to England and Wales shall be read as a reference to Northern Ireland; and

   (b)   the reference to 12 months shall be read as a reference to six months.**]**

(2) In section 2(2)(b)—

   (a)   the reference to England and Wales shall be read as a reference to Northern Ireland; and

   (b)   the reference to section 33 of the **M4**Magistrates' Courts Act 1980 shall be read as a reference to Article 46(4) of the **M5**Magistrates' Courts (Northern Ireland) Order 1981.

[F37(2A) In section 2(5)(a)—

   (a)   the reference to England and Wales shall be read as a reference to Northern Ireland; and

   (b)   the reference to 12 months shall be read as a reference to six months.**]**

(3) **F38** . . . .

[F39(3A) In section 3(6)(a)—

   (a)   the reference to England and Wales shall be read as a reference to Northern Ireland; and

   (b)   the reference to 12 months shall be read as a reference to six months.**]**

[F40(3B) In section 3A(5)(a)—

   (a)   the reference to England and Wales shall be read as a reference to Northern Ireland; and

   (b)   the reference to 12 months shall be read as a reference to six months.**]**

(4) **[F41**Subsection (7) below shall apply in substitution for subsection (3) of section 7**]**; **F42** . . . .

F43(5) . . . .

F43(6) . . . .

(7) The following paragraphs shall be inserted after Article 3(1) of that Order—

      "(1A) Subject to section 8 of the Computer Misuse Act 1990 (relevance of external law), if this paragraph applies to an act, what the person doing it had in view shall be treated as an offence to which this Article applies.

      (1B) Paragraph (1A) above applies to an act if—

        (a)   it is done in Northern Ireland; and

        (b)   it would fall within paragraph (1) as more than merely preparatory to the commission of an offence under section 3 of the Computer Misuse Act 1990 but for the fact that the offence, if completed, would not be an offence triable in Northern Ireland.".

(8) In section 8—

    (a **F43** . . . .

    (b)   the reference in subsection (3) to section 1(1A) of the **M6**Criminal Attempts Act 1981 shall be read as a reference to Article 3(1A) of that Order.

(9) The references in sections 9(1) and 10 to England and Wales shall be read as references to Northern Ireland.

(10) **F44**. . . . .

(11) **F44**. . . . .

(12) **F44**. . . . .

> **M6**   1981 c. 47.

[F45 16A   Northern Ireland: search warrants for offences under section 1

(1) Where a county court judge is satisfied by information on oath given by a constable that there are reasonable grounds for believing—

  (a)   that an offence under section 1 above has been or is about to be committed in any premises, and

  (b)   that evidence that such an offence has been or is about to be committed is in those premises,

he may issue a warrant authorising a constable to enter and search the premises, using such reasonable force as is necessary.

(2) The power conferred by subsection (1) above does not extend to authorising a search for material of the kinds mentioned in Article 11(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (privileged, excluded and special procedure material).

(3) A warrant under this section—

  (a)   may authorise persons to accompany any constable executing the warrant; and

  (b)   remains in force for twenty-eight days from the date of its issue.

(4) In exercising a warrant issued under this section a constable may seize an article if he reasonably believes that it is evidence that an offence under section 1 above has been or is about to be committed.

(5) In this section "premises" includes land, buildings, movable structures, vehicles, vessels, aircraft and hovercraft.

(6) This section extends only to Northern Ireland.]

Textual Amendments
  F45   S. 16A inserted (1.10.2008) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 28** (with s. 38(2)); S.I. 2008/2503, **art. 3(b)**

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 [F46or to enable such access to be secured]) shall be read accordingly.

14

Computer Misuse Act 1990 (c. 18)
Document Generated: 2023-07-17

Status: Point in time view as at 01/10/2008.
Changes to legislation: Computer Misuse Act 1990 is up to date with all changes known to be in force on or
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been made appear in the content and are referenced with annotations. (See end of Document for details)

(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

   (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 [**F47**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) **F48** . . . .

[**F49**(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.

Textual Amendments

F46   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)**)

F47   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**

F48   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**

F49   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**

18 Citation, commencement etc.

(1) This Act may be cited as the Computer Misuse Act 1990.

(2) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.

(3) An offence is not committed under this Act unless every act or other event proof of which is required for conviction of the offence takes place after this Act comes into force.

Status:
Point in time view as at 01/10/2008.

Changes to legislation:
Computer Misuse Act 1990 is up to date with all changes known to be in force on or before 17 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.