



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;
 - (b) the access he intends to secure 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.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.

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 of twenty-one years of age or over (not previously convicted) 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 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.
- (5) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both; and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both.

3 Unauthorised modification of computer material

- (1) A person is guilty of an offence if—
- (a) he does any act which causes an unauthorised modification of the contents of any computer; and
 - (b) at the time when he does the act he has the requisite intent and the requisite knowledge.
- (2) For the purposes of subsection (1)(b) above the requisite intent is an intent to cause a modification of the contents of any computer and by so doing—
- (a) to impair the operation of any computer;
 - (b) to prevent or hinder access to any program or data held in any computer; or
 - (c) to impair the operation of any such program or the reliability of any such data.
- (3) The intent need not be directed at—
- (a) any particular computer;
 - (b) any particular program or data or a program or data of any particular kind; or
 - (c) any particular modification or a modification of any particular kind.
- (4) For the purposes of subsection (1)(b) above the requisite knowledge is knowledge that any modification he intends to cause is unauthorised.
- (5) It is immaterial for the purposes of this section whether an unauthorised modification or any intended effect of it of a kind mentioned in subsection (2) above is, or is intended to be, permanent or merely temporary.
- (6) For the purposes of the Criminal Damage Act 1971 a modification of the contents of a computer shall not be regarded as damaging any computer or computer storage medium unless its effect on that computer or computer storage medium impairs its physical condition.
- (7) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both; and

- (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both.