



Computer Misuse Act 1990

1990 CHAPTER 18

Computer misuse offences

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

(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.

^{F1}(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 ^{F2}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 ^{F3}12] months or to a fine not exceeding the statutory maximum or to both;

Changes to legislation: Computer Misuse Act 1990, Section 2 is up to date with all changes known to be in force on or before 28 May 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. (See end of Document for details) View outstanding changes

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

Textual Amendments

- F1** 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\(c\)](#)
- F2** Words in s. 2(5)(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
- F3** Word in s. 2(5)(b) substituted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 7\(b\)](#); S.I. 2015/820, reg. 2(r)(iii)

Marginal Citations

- M1** 1980 c. 43.

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Changes and effects yet to be applied to :

- s. 2(2)(b) words substituted by [2000 c. 43 Sch. 7 para. 98](#)