

**Computer Misuse (Amendment) Act 1998**  
**(No. 21 of 1998)**

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**REPUBLIC OF SINGAPORE**  
**GOVERNMENT GAZETTE**  
**ACTS SUPPLEMENT**

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The following Act was passed by Parliament on 30th June 1998 and assented to by the President on 3rd July 1998:—

**COMPUTER MISUSE (AMENDMENT) ACT 1998**

**(No. 21 of 1998)**

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I assent.

ONG TENG CHEONG

*President.*

*3rd July 1998.*

**Date of Commencement: 1st August 1998**

An Act to amend the Computer Misuse Act (Chapter 50A of the 1994 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

**Short title and commencement**

1. This Act may be cited as the Computer Misuse (Amendment) Act 1998 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

**Amendment of section 2**

2. Section 2(1) of the Computer Misuse Act (referred to in this Act as the principal Act) is amended —

- (a) by deleting the words "but does not include an automated typewriter or typesetter, a portable hand held calculator or other similar device which is non-programmable or which does not contain any data storage facility;" at the end of the definition of "computer" and substituting the following words:

“but does not include —

- “(a) an automated typewriter or typesetter;
  - (b) a portable hand held calculator;
  - (c) a similar device which is non-programmable or which does not contain any data storage facility; or
  - (d) such other device as the Minister may, by notification in the *Gazette*, prescribe;”;
- (b) by inserting, immediately after the definition of "computer service", the following definition:

““damage” means, except for the purposes of section 10, any impairment to a computer or the integrity or availability of data, a program or system, or information, that —

- (a) causes loss aggregating at least \$10,000 in value, or such other amount as the Minister may, by notification in the *Gazette*, prescribe except that any loss incurred or accrued more than one year after the date of the offence in question shall not be taken into account;
- (b) modifies or impairs, or potentially modifies or impairs, the medical examination, diagnosis, treatment or care of one or more persons;
- (c) causes or threatens physical injury or death to any person; or
- (d) threatens public health or public safety;”.

### **Amendment of section 3**

3. Section 3 of the principal Act is amended —

- (a) by deleting "\$2,000" in the sixth line of subsection (1) and substituting "\$5,000";
- (b) by inserting, immediately after the word "both" at the end of subsection (1), the words "and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both"; and
- (c) by deleting subsection (2) and substituting the following subsection:

“(2) If any damage is caused as a result of an offence under this

section, a person convicted of the offence shall be liable to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 7 years or to both.”.

## **Repeal and re-enactment of section 4**

4. Section 4 of the principal Act is repealed and the following section substituted therefor:

### **“Access with intent to commit or facilitate commission of offence**

4.—(1) Any person who causes a computer to perform any function for the purpose of securing access to any program or data held in any computer with intent to commit an offence to which this section applies shall be guilty of an offence.

(2) This section shall apply to an offence involving property, fraud, dishonesty or which causes bodily harm and which is punishable on conviction with imprisonment for a term of not less than 2 years.

(3) Any person guilty of an offence under this section shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 10 years or to both.

(4) For the purposes of this section, it is immaterial whether —

- (a) the access referred to in subsection (1) is authorised or unauthorised;
- (b) the offence to which this section applies is committed at the same time when the access is secured or at any other time.”.

## **Amendment of section 5**

5. Section 5 of the principal Act is amended —

- (a) by deleting the words "\$2,000 or to imprisonment for a term not exceeding 2 years or to both" at the end of subsection (1) and substituting the words "\$10,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 5 years or to both"; and
- (b) by deleting subsection (2) and substituting the following subsection:

“(2) If any damage is caused as a result of an offence under this section, a person convicted of the offence shall be liable to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 7 years or to both.”.