



# Protection from Harassment Act 1997

## 1997 CHAPTER 40

*England and Wales*

### [<sup>F1</sup>2A Offence of stalking

- (1) A person is guilty of an offence if—
  - (a) the person pursues a course of conduct in breach of section 1(1), and
  - (b) the course of conduct amounts to stalking.
- (2) For the purposes of subsection (1)(b) (and section 4A(1)(a)) a person's course of conduct amounts to stalking of another person if—
  - (a) it amounts to harassment of that person,
  - (b) the acts or omissions involved are ones associated with stalking, and
  - (c) the person whose course of conduct it is knows or ought to know that the course of conduct amounts to harassment of the other person.
- (3) The following are examples of acts or omissions which, in particular circumstances, are ones associated with stalking—
  - (a) following a person,
  - (b) contacting, or attempting to contact, a person by any means,
  - (c) publishing any statement or other material—
    - (i) relating or purporting to relate to a person, or
    - (ii) purporting to originate from a person,
  - (d) monitoring the use by a person of the internet, email or any other form of electronic communication,
  - (e) loitering in any place (whether public or private),
  - (f) interfering with any property in the possession of a person,
  - (g) watching or spying on a person.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, or a fine not exceeding level 5 on the standard scale, or both.

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**Changes to legislation:** There are currently no known outstanding effects for the Protection from Harassment Act 1997, Section 2A. (See end of Document for details)

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- (5) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (4) to 51 weeks is to be read as a reference to six months.
- (6) This section is without prejudice to the generality of section 2.]

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**Textual Amendments**

- F1** S. 2A inserted (25.11.2012) by Protection of Freedoms Act 2012 (c. 9), **ss. 111(1)**, 120 (with s. 97); S.I. 2012/2075, art. 5(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Protection from Harassment Act 1997, Section 2A.