



Protection from Harassment Act 1997

1997 CHAPTER 40

England and Wales

1 Prohibition of harassment.

- (1) A person must not pursue a course of conduct—
 - (a) which amounts to harassment of another, and
 - (b) which he knows or ought to know amounts to harassment of the other.
- (2) For the purposes of this section, the person whose course of conduct is in question ought to know that it amounts to harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other.
- (3) Subsection (1) does not apply to a course of conduct if the person who pursued it shows—
 - (a) that it was pursued for the purpose of preventing or detecting crime,
 - (b) that it was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment, or
 - (c) that in the particular circumstances the pursuit of the course of conduct was reasonable.

2 Offence of harassment.

- (1) A person who pursues a course of conduct in breach of section 1 is guilty of an offence.
- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both.
- (3) In section 24(2) of the ^{M1}Police and Criminal Evidence Act 1984 (arrestable offences), after paragraph (m) there is inserted—
 - “(n) an offence under section 2 of the Protection from Harassment Act 1997 (harassment).”.

Status: Point in time view as at 01/08/2001.

Changes to legislation: There are currently no known outstanding effects for the Protection from Harassment Act 1997, Cross Heading: England and Wales. (See end of Document for details)

Marginal Citations

M1 1984 c. 60.

3 Civil remedy.

- (1) An actual or apprehended breach of section 1 may be the subject of a claim in civil proceedings by the person who is or may be the victim of the course of conduct in question.
- (2) On such a claim, damages may be awarded for (among other things) any anxiety caused by the harassment and any financial loss resulting from the harassment.
- (3) Where—
 - (a) in such proceedings the High Court or a county court grants an injunction for the purpose of restraining the defendant from pursuing any conduct which amounts to harassment, and
 - (b) the plaintiff considers that the defendant has done anything which he is prohibited from doing by the injunction,the plaintiff may apply for the issue of a warrant for the arrest of the defendant.
- (4) An application under subsection (3) may be made—
 - (a) where the injunction was granted by the High Court, to a judge of that court, and
 - (b) where the injunction was granted by a county court, to a judge or district judge of that or any other county court.
- (5) The judge or district judge to whom an application under subsection (3) is made may only issue a warrant if—
 - (a) the application is substantiated on oath, and
 - (b) the judge or district judge has reasonable grounds for believing that the defendant has done anything which he is prohibited from doing by the injunction.
- (6) Where—
 - (a) the High Court or a county court grants an injunction for the purpose mentioned in subsection (3)(a), and
 - (b) without reasonable excuse the defendant does anything which he is prohibited from doing by the injunction,he is guilty of an offence.
- (7) Where a person is convicted of an offence under subsection (6) in respect of any conduct, that conduct is not punishable as a contempt of court.
- (8) A person cannot be convicted of an offence under subsection (6) in respect of any conduct which has been punished as a contempt of court.
- (9) A person guilty of an offence under subsection (6) is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum, or both.

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Commencement Information

- II** S. 3 wholly in force at 1.9.1998; S. 3 not in force at Royal Assent see s. 15; s. 3(1)(2) in force at 16.6.1997 by [S.I. 1997/1498](#), [art. 2](#); s. 3(3)-(9) in force at 1.9.1998 by [S.I. 1998/1902](#), [art. 2](#)

4 Putting people in fear of violence.

- (1) A person whose course of conduct causes another to fear, on at least two occasions, that violence will be used against him is guilty of an offence if he knows or ought to know that his course of conduct will cause the other so to fear on each of those occasions.
- (2) For the purposes of this section, the person whose course of conduct is in question ought to know that it will cause another to fear that violence will be used against him on any occasion if a reasonable person in possession of the same information would think the course of conduct would cause the other so to fear on that occasion.
- (3) It is a defence for a person charged with an offence under this section to show that—
 - (a) his course of conduct was pursued for the purpose of preventing or detecting crime,
 - (b) his course of conduct was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment, or
 - (c) the pursuit of his course of conduct was reasonable for the protection of himself or another or for the protection of his or another's property.
- (4) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum, or both.
- (5) If on the trial on indictment of a person charged with an offence under this section the jury find him not guilty of the offence charged, they may find him guilty of an offence under section 2.
- (6) The Crown Court has the same powers and duties in relation to a person who is by virtue of subsection (5) convicted before it of an offence under section 2 as a magistrates' court would have on convicting him of the offence.

5 Restraining orders.

- (1) A court sentencing or otherwise dealing with a person ("the defendant") convicted of an offence under section 2 or 4 may (as well as sentencing him or dealing with him in any other way) make an order under this section.
- (2) The order may, for the purpose of protecting the victim of the offence, or any other person mentioned in the order, from further conduct which—
 - (a) amounts to harassment, or
 - (b) will cause a fear of violence,prohibit the defendant from doing anything described in the order.

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- (3) The order may have effect for a specified period or until further order.
- (4) The prosecutor, the defendant or any other person mentioned in the order may apply to the court which made the order for it to be varied or discharged by a further order.
- (5) If without reasonable excuse the defendant does anything which he is prohibited from doing by an order under this section, he is guilty of an offence.
- (6) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum, or both.

Modifications etc. (not altering text)

C1 S. 5 modified (30.9.1998) by 1998 c. 37, s. 32(7); S.I. 1998/2327, art. 2(1)(g)

6 Limitation.

In section 11 of the ^{M2}Limitation Act 1980 (special time limit for actions in respect of personal injuries), after subsection (1) there is inserted—

“(1A) This section does not apply to any action brought for damages under section 3 of the Protection from Harassment Act 1997.”

Marginal Citations

M2 1980 c. 58.

7 Interpretation of this group of sections.

- (1) This section applies for the interpretation of sections 1 to 5.
 - (2) References to harassing a person include alarming the person or causing the person distress.
 - (3) A “course of conduct” must involve conduct on at least two occasions.
- [^{F1}(3A) A person’s conduct on any occasion shall be taken, if aided, abetted, counselled or procured by another—
- (a) to be conduct on that occasion of the other (as well as conduct of the person whose conduct it is); and
 - (b) to be conduct in relation to which the other’s knowledge and purpose, and what he ought to have known, are the same as they were in relation to what was contemplated or reasonably foreseeable at the time of the aiding, abetting, counselling or procuring.]
- (4) “Conduct” includes speech.

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Textual Amendments

F1 S. 7(3A) inserted (1.8.2001) by 2001 c. 16, s. 44(1)(2); S.I. 2001/2223, art. 3(b)

Status:

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