



Protection from Harassment Act 1997

1997 CHAPTER 40

England and Wales

3 Civil remedy.

- (1) An actual or apprehended breach of [F1section 1(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—

Status: Point in time view as at 01/07/2005. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Protection from Harassment Act 1997, Section 3. (See end of Document for details)

- (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.

Textual Amendments

- F1** Words in s. 3(1) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 125\(4\), 178\(8\)](#); [S.I. 2005/1521, art. 3\(1\)\(m\)](#)

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](#)

Status:

Point in time view as at 01/07/2005. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Protection from Harassment Act 1997, Section 3.