



Protection from Harassment Act 1997

1997 CHAPTER 40

England and Wales

[^{F1}5A Restraining orders on acquittal

- (1) A court before which a person (“ the defendant ”) is acquitted of an offence may, if it considers it necessary to do so to protect a person from harassment by the defendant, make an order prohibiting the defendant from doing anything described in the order.
- [^{F2}(2) The order may have effect for a specified period or until further order.
- (2A) In proceedings under this section both the prosecution and the defence may lead, as further evidence, any evidence that would be admissible in proceedings for an injunction under section 3.
- (2B) The prosecutor, the defendant or any other person mentioned in the order may apply to the court that made the order for it to be varied or discharged by a further order.
- (2C) Any person mentioned in the order is entitled to be heard on the hearing of an application under subsection (2B).
- (2D) It is an offence for the defendant, without reasonable excuse, to do anything that the defendant is prohibited from doing by an order under this section.
- (2E) 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, or both.
- (2F) A court dealing with a person for an offence under this section may vary or discharge the order in question by a further order.]
- (3) Where the Court of Appeal allow an appeal against conviction they may remit the case to the Crown Court to consider whether to proceed under this section.
- (4) Where—

Changes to legislation: There are currently no known outstanding effects for the Protection from Harassment Act 1997, Section 5A. (See end of Document for details)

- (a) the Crown Court allows an appeal against conviction, or
 - (b) a case is remitted to the Crown Court under subsection (3),
- the reference in subsection (1) to a court before which a person is acquitted of an offence is to be read as referring to that court.
- (5) A person made subject to an order under this section has the same right of appeal against the order as if—
- (a) he had been convicted of the offence in question before the court which made the order, and
 - (b) the order had been made under section 5.]

Textual Amendments

- F1** S. 5A inserted (30.9.2009) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), [ss. 12\(5\)](#), 60; [S.I. 2009/2501](#), [art. 2\(a\)](#)
- F2** S. 5A(2)-(2F) substituted for s. 5A(2) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [s. 416\(1\)](#), [Sch. 24 para. 144](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)

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