



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 4

PUBLIC ORDER AND CONDUCT IN PUBLIC PLACES ETC.

Harassment

126 Harassment etc. of a person in his home

(1) After section 42 of the Criminal Justice and Police Act 2001 (c. 16) insert—

“42A Offence of harassment etc. of a person in his home

- (1) A person commits an offence if—
- (a) that person is present outside or in the vicinity of any premises that are used by any individual (“the resident”) as his dwelling;
 - (b) that person is present there for the purpose (by his presence or otherwise) of representing to the resident or another individual (whether or not one who uses the premises as his dwelling), or of persuading the resident or such another individual—
 - (i) that he should not do something that he is entitled or required to do; or
 - (ii) that he should do something that he is not under any obligation to do;
 - (c) that person—
 - (i) intends his presence to amount to the harassment of, or to cause alarm or distress to, the resident; or
 - (ii) knows or ought to know that his presence is likely to result in the harassment of, or to cause alarm or distress to, the resident; and

Status: This is the original version (as it was originally enacted).

- (d) the presence of that person—
 - (i) amounts to the harassment of, or causes alarm or distress to, any person falling within subsection (2); or
 - (ii) is likely to result in the harassment of, or to cause alarm or distress to, any such person.
 - (2) A person falls within this subsection if he is—
 - (a) the resident,
 - (b) a person in the resident’s dwelling, or
 - (c) a person in another dwelling in the vicinity of the resident’s dwelling.
 - (3) The references in subsection (1)(c) and (d) to a person’s presence are references to his presence either alone or together with that of any other persons who are also present.
 - (4) For the purposes of this section a person (A) ought to know that his presence is likely to result in the harassment of, or to cause alarm or distress to, a resident if a reasonable person in possession of the same information would think that A’s presence was likely to have that effect.
 - (5) A person guilty of an offence under this section shall be liable, on summary conviction, to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 4 on the standard scale, or to both.
 - (6) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for summary offences), the reference in subsection (5) to 51 weeks is to be read as a reference to 6 months.
 - (7) In this section “dwelling” has the same meaning as in Part 1 of the Public Order Act 1986.”
- (2) A constable in uniform may arrest without warrant any person he reasonably suspects is committing or has committed an offence under section 42A (as inserted by subsection (1)).
 - (3) Subsection (2) ceases to have effect on the commencement of section 110 of this Act.