Status: Point in time view as at 21/07/2011.
Changes to legislation: There are currently no known outstanding effects for the
Domestic Abuse (Scotland) Act 2011, Section 1. (See end of Document for details)

Domestic Abuse (Scotland) Act 2011
2011 asp 13

Harassment amounting to domestic abuse

1 **Harassment amounting to domestic abuse**

(1) In section 8 (harassment) of the Protection from Harassment Act 1997 (c.40), after
subsection (1) insert—

   "(1A) Subsection (1) is subject to section 8A."

(2) After that section insert—

   "8A Harassment amounting to domestic abuse

   (1) Every individual has a right to be free from harassment and, accordingly, a
   person must not engage in conduct which amounts to harassment of another
   and—
      (a) is intended to amount to harassment of that person; or
      (b) occurs in circumstances where it would appear to a reasonable person
      that it would amount to harassment of that person.

   (2) Subsection (1) only applies where the conduct referred to amounts to domestic
   abuse.

   (3) Subsections (2) to (7) of section 8 apply in relation to subsection (1) as they
   apply in relation to subsection (1) of that section but with the following
   modifications—
      (a) in subsections (2) and (4), the words "course of" are omitted;
      (b) for subsection (3) there is substituted—

      "(3) For the purposes of this section—
               "conduct"—
                     (a) may involve behaviour on one or more than one
                     occasion; and
                     (b) includes—
                              (i) speech; and
                              (ii) presence in any place or area; and

"harassment" of a person includes causing the person alarm or distress."; and

   (c)   in subsection (4)(b), for "pursued" substitute " engaged in "."

(3) In section 9(1) (breach of non-harassment order) of that Act, after "section 8" insert " or section 8A ".

(4) In section 18B(1) (actions of harassment) of the Prescription and Limitation (Scotland) Act 1973 (c.52), after "section 8" insert " or section 8A ".

(5) In section 2(1)(b)(ii) (transmission of deceased's rights to executor) of the Damages (Scotland) Act 2011 (asp 7), after "section 8" insert " or section 8A ".

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