

Domestic Abuse (Scotland) Act 2011

2011 asp 13

Harassment amounting to domestic abuse

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- (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

Changes to legislation: There are currently no known outstanding effects for the Domestic Abuse (Scotland) Act 2011, Cross Heading: Harassment amounting to domestic abuse. (See end of Document for details)

“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 ”.

Changes to legislation:

There are currently no known outstanding effects for the Domestic Abuse (Scotland) Act 2011,
Cross Heading: Harassment amounting to domestic abuse.