



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 [F²the 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 [F²the county] court, to a judge [F³of that] court.
- (5) The judge ^{F⁴}... 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 ^{F⁴}... has reasonable grounds for believing that the defendant has done anything which he is prohibited from doing by the injunction.
- (6) Where—
 - (a) the High Court or [F²the county] court grants an injunction for the purpose mentioned in subsection (3)(a), and

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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)

- (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\(1\)\(m\)](#)
- F2** Words in s. 3 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(3\)](#), [Sch. 9 para. 39\(a\)](#); [S.I. 2014/954](#), [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), [arts. 3-11](#))
- F3** Words in s. 3(4)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(3\)](#), [Sch. 9 para. 39\(b\)](#); [S.I. 2014/954](#), [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), [arts. 3-11](#))
- F4** Words in s. 3(5) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(3\)](#), [Sch. 9 para. 39\(c\)](#); [S.I. 2014/954](#), [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), [arts. 3-11](#))

Commencement Information

- I1** 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](#)

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