



# Protection from Harassment Act 1997

## 1997 CHAPTER 40

### *England and Wales*

#### **5 Restraining orders.**

- (1) A court sentencing or otherwise dealing with a person (“the defendant”) convicted of an offence under section 2 or 4 may (as well as sentencing him or dealing with him in any other way) make an order under this section.
- (2) The order may, for the purpose of protecting the victim [<sup>F1</sup>or victims] of the offence, or any other person mentioned in the order, from further conduct which—
  - (a) amounts to harassment, or
  - (b) will cause a fear of violence,prohibit the defendant from doing anything described in the order.
- (3) The order may have effect for a specified period or until further order.
- (4) The prosecutor, the defendant or any other person mentioned in the order may apply to the court which made the order for it to be varied or discharged by a further order.
- (5) If without reasonable excuse the defendant does anything which he is prohibited from doing by an order under this section, he is guilty of an offence.
- (6) 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 not exceeding the statutory maximum, or both.

#### **Textual Amendments**

- F1** Words in s. 5(2) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 125\(6\), 178\(8\)](#); [S.I. 2005/1521](#), [art. 3\(1\)\(m\)](#)

---

**Status:** Point in time view as at 01/07/2005. This version of this provision has been superseded.

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

---

**Modifications etc. (not altering text)**

C1 S. 5 modified (30.9.1998) by 1998 c. 37, s. 32(7); S.I. 1998/2327, art. 2(1)(g)

**Status:**

Point in time view as at 01/07/2005. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Protection from Harassment Act 1997, Section 5.