



# Criminal Justice and Police Act 2001

## 2001 CHAPTER 16

### PART 1

#### PROVISIONS FOR COMBATTING CRIME AND DISORDER

### CHAPTER 3

#### OTHER PROVISIONS FOR COMBATTING CRIME AND DISORDER

##### *Intimidating, harming and threatening witnesses etc.*

### **39 Intimidation of witnesses**

- (1) A person commits an offence if—
- (a) he does an act which intimidates, and is intended to intimidate, another person (“the victim”);
  - (b) he does the act—
    - (i) knowing or believing that the victim is or may be a witness in any relevant proceedings; and
    - (ii) intending, by his act, to cause the course of justice to be obstructed, perverted or interfered with;
- and
- (c) the act is done after the commencement of those proceedings.
- (2) For the purposes of subsection (1) it is immaterial—
- (a) whether or not the act that is done is done in the presence of the victim;
  - (b) whether that act is done to the victim himself or to another person; and
  - (c) whether or not the intention to cause the course of justice to be obstructed, perverted or interfered with is the predominating intention of the person doing the act in question.
- (3) If, in proceedings against a person for an offence under this section, it is proved—

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 39. (See end of Document for details)*

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- (a) that he did any act that intimidated, and was intended to intimidate, another person, and
  - (b) that he did that act knowing or believing that that other person was or might be a witness in any relevant proceedings that had already commenced,
- he shall be presumed, unless the contrary is shown, to have done the act with the intention of causing the course of justice to be obstructed, perverted or interfered with.
- (4) A person guilty of an offence under this section shall be liable—
    - (a) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both;
    - (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both.
  - (5) References in this section to a witness, in relation to any proceedings, include references to a person who provides, or is able to provide, any information or any document or other thing which might be used as evidence in those proceedings or which (whether or not admissible as evidence in those proceedings)—
    - (a) might tend to confirm evidence which will be or might be admitted in those proceedings;
    - (b) might be referred to in evidence given in those proceedings by another witness; or
    - (c) might be used as the basis for any cross examination in the course of those proceedings.
  - (6) References in this section to doing an act include references to issuing any threat (whether against a person or his finances or property or otherwise), or making any other statement.
  - (7) This section is in addition to, and not in derogation of, any offence subsisting at common law.

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 39.