



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

Further provision about intimidation etc.

42 Police directions stopping the harassment etc of a person in his home

- (1) Subject to the following provisions of this section, a constable who is at the scene may give a direction under this section to any person if—
- (a) that person is present outside or in the vicinity of any premises that are used by any individual (“the resident”) as his dwelling;
 - (b) that constable believes, on reasonable grounds, that that person is present there for the purpose (by his presence or otherwise) of representing to the resident or another individual (whether or not one who uses the premises as his dwelling), or of persuading the resident or such another individual—
 - (i) that he should not do something that he is entitled or required to do; or
 - (ii) that he should do something that he is not under any obligation to do;and
 - (c) that constable also believes, on reasonable grounds, that the presence of that person (either alone or together with that of any other persons who are also present)—
 - (i) amounts to, or is likely to result in, the harassment of the resident; or
 - (ii) is likely to cause alarm or distress to the resident.

Status: This is the original version (as it was originally enacted).

- (2) A direction under this section is a direction requiring the person to whom it is given to do all such things as the constable giving it may specify as the things he considers necessary to prevent one or both of the following—
 - (a) the harassment of the resident; or
 - (b) the causing of any alarm or distress to the resident.
- (3) A direction under this section may be given orally; and where a constable is entitled to give a direction under this section to each of several persons outside, or in the vicinity of, any premises, he may give that direction to those persons by notifying them of his requirements either individually or all together.
- (4) The requirements that may be imposed by a direction under this section include a requirement to leave the vicinity of the premises in question (either immediately or after a specified period of time).
- (5) A direction under this section may make exceptions to any requirement imposed by the direction, and may make any such exception subject to such conditions as the constable giving the direction thinks fit; and those conditions may include—
 - (a) conditions as to the distance from the premises in question at which, or otherwise as to the location where, persons who do not leave their vicinity must remain; and
 - (b) conditions as to the number or identity of the persons who are authorised by the exception to remain in the vicinity of those premises.
- (6) The power of a constable to give a direction under this section shall not include—
 - (a) any power to give a direction at any time when there is a more senior-ranking police officer at the scene; or
 - (b) any power to direct a person to refrain from conduct that is lawful under section 220 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) (right peacefully to picket a work place);but it shall include power to vary or withdraw a direction previously given under this section.
- (7) Any person who knowingly contravenes a direction given to him under this section shall be guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding level 4 on the standard scale, or to both.
- (8) A constable in uniform may arrest without warrant any person he reasonably suspects is committing an offence under this section.
- (9) In this section “dwelling” has the same meaning as in Part 1 of the Public Order Act 1986 (c. 64).