



Stalking Protection Act 2019

2019 CHAPTER 9

Appeals and enforcement

7 Appeals

- (1) A defendant may appeal to the Crown Court against—
 - (a) the making of a stalking protection order,
 - (b) the making of an interim stalking protection order,
 - (c) the making of an order under section 4 on an application by a chief officer of police, or
 - (d) the refusal to make an order under section 4 on an application by the defendant.
- (2) A chief officer of police who applied for a stalking protection order, an interim stalking protection order or an order under section 4 may appeal to the Crown Court against—
 - (a) the refusal to make a stalking protection order,
 - (b) the refusal to make an interim stalking protection order, or
 - (c) the refusal to make an order under section 4 on an application by the chief officer.
- (3) A relevant chief officer of police (see section 14(1)) may appeal to the Crown Court against the making of an order under section 4 on an application by the defendant.
- (4) On any such appeal, the Crown Court may make—
 - (a) such orders as may be necessary to give effect to its determination of the appeal, and
 - (b) such incidental or consequential orders as appear to it to be appropriate.

Commencement Information

11 S. 7 in force at 20.1.2020 by S.I. 2020/26, reg. 2

Changes to legislation: There are currently no known outstanding effects for the Stalking Protection Act 2019, Cross Heading: Appeals and enforcement. (See end of Document for details)

8 Offence of breaching stalking protection order etc

- (1) A person who, without reasonable excuse, breaches a stalking protection order or an interim stalking protection order commits an offence.
- (2) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding [^{F1}the general limit in a magistrates' court] or to a fine or both, or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine or both.
- (3) In relation to an offence committed before [^{F2} May 2022], the reference in subsection (2)(a) to [^{F3}the general limit in a magistrates' court] is to be read as a reference to 6 months.
- (4) If a person is convicted of an offence under this section, it is not open to the court by or before which the person is convicted to make an order under [^{F4}section 80 of the Sentencing Code] (conditional discharge).
- (5) In proceedings for an offence under this section, a copy of the original stalking protection order or interim stalking protection order, certified by the designated officer for the court which made it, is admissible as evidence of its having been made and of its contents to the same extent that oral evidence of those things is admissible in those proceedings.

Textual Amendments

- F1** Words in s. 8(2)(a) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**
- F2** Words in s. 8(3) substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), **Sch. Pt. 1**
- F3** Words in s. 8(3) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**
- F4** Words in s. 8(4) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 298** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

Commencement Information

- I2** S. 8 in force at 20.1.2020 by S.I. 2020/26, reg. 2

Changes to legislation:

There are currently no known outstanding effects for the Stalking Protection Act 2019, Cross
Heading: Appeals and enforcement.