



# Stalking Protection Act 2019

## 2019 CHAPTER 9

### *Stalking protection orders*

#### **1 Applications for orders**

- (1) A chief officer of police may apply to a magistrates' court for an order (a "stalking protection order") in respect of a person (the "defendant") if it appears to the chief officer that—
  - (a) the defendant has carried out acts associated with stalking,
  - (b) the defendant poses a risk associated with stalking to another person, and
  - (c) there is reasonable cause to believe the proposed order is necessary to protect another person from such a risk (whether or not the other person was the victim of the acts mentioned in paragraph (a)).
- (2) A stalking protection order is an order which, for the purpose of preventing the defendant from carrying out acts associated with stalking—
  - (a) prohibits the defendant from doing anything described in the order, or
  - (b) requires the defendant to do anything described in the order.
- (3) A chief officer of police for a police area in England and Wales may apply for a stalking protection order only in respect of a person—
  - (a) who resides in the chief officer's police area, or
  - (b) who the chief officer believes is in that area or is intending to come to it.
- (4) A risk associated with stalking—
  - (a) may be in respect of physical or psychological harm to the other person;
  - (b) may arise from acts which the defendant knows or ought to know are unwelcome to the other person even if, in other circumstances, the acts would appear harmless in themselves.
- (5) It does not matter—
  - (a) whether the acts mentioned in subsection (1)(a) were carried out in a part of the United Kingdom or elsewhere, or

- (b) whether they were carried out before or after the commencement of this section.
- (6) See section 2A of the Protection from Harassment Act 1997 for examples of acts associated with stalking.

## **2 Power to make orders**

- (1) A magistrates' court may make a stalking protection order on an application under section 1(1) if satisfied that—
  - (a) the defendant has carried out acts associated with stalking,
  - (b) the defendant poses a risk associated with stalking to another person, and
  - (c) the proposed order is necessary to protect another person from such a risk (whether or not the other person was the victim of the acts mentioned in paragraph (a)).
- (2) A magistrates' court may include a prohibition or requirement in a stalking protection order only if satisfied that the prohibition or requirement is necessary to protect the other person from a risk associated with stalking.
- (3) Prohibitions or requirements must, so far as practicable, be such as to avoid—
  - (a) conflict with the defendant's religious beliefs, and
  - (b) interference with any times at which the defendant normally works or attends an educational establishment.
- (4) A prohibition or requirement has effect in all parts of the United Kingdom unless expressly limited to a particular locality.
- (5) It does not matter—
  - (a) whether the acts mentioned in subsection (1)(a) were carried out in a part of the United Kingdom or elsewhere, or
  - (b) whether they were carried out before or after the commencement of this section.
- (6) Subsection (7) applies where a magistrates' court makes a stalking protection order in relation to a defendant who is already subject to such an order (whether made by that court or another).
- (7) The court may not include any prohibition or requirement in the new stalking protection order which is incompatible with a prohibition or requirement in the earlier stalking protection order.

## **3 Duration of orders**

- (1) A stalking protection order has effect—
  - (a) for a fixed period specified in the order, or
  - (b) until a further order.
- (2) Where a fixed period is specified it must be a period of at least 2 years beginning with the day on which the order is made.
- (3) Different periods may be specified in relation to different prohibitions or requirements.

#### **4 Variations, renewals and discharges**

- (1) The defendant or a relevant chief officer of police (see section 14(1)) may apply to a magistrates' court for an order varying, renewing or discharging a stalking protection order.
- (2) Before making a decision on an application under subsection (1), the court must hear—
  - (a) the defendant, and
  - (b) any relevant chief officer of police who wants to be heard.
- (3) On an application under subsection (1) the court may make any order varying, renewing or discharging the stalking protection order that the court considers appropriate.
- (4) But the court may not—
  - (a) in renewing or varying an order, impose an additional prohibition or requirement unless satisfied that it is necessary to do so in order to protect a person from a risk associated with stalking;
  - (b) discharge an order before the end of 2 years beginning with the day on which the order was made without the consent of the defendant and—
    - (i) where the application was made by a chief officer of police, that chief officer, or
    - (ii) in any other case, the chief officer of police who applied for the stalking protection order and (if different) the chief officer of police for the area in which the defendant resides, if that area is in England or Wales.

#### **5 Interim stalking protection orders**

- (1) This section applies where an application for a stalking protection order (the “main application”) has not been determined.
- (2) A magistrates' court may make an order (an “interim stalking protection order”) in respect of the defendant on an application—
  - (a) made at the same time and by the same chief officer of police as the main application, or
  - (b) if the main application has already been made, made by the chief officer of police who made that application.
- (3) The court may, if it considers it appropriate to do so, make an interim stalking protection order—
  - (a) prohibiting the defendant from doing anything described in the order, or
  - (b) requiring the defendant to do anything described in the order.
- (4) Prohibitions or requirements must, so far as practicable, be such as to avoid—
  - (a) conflict with the defendant's religious beliefs, and
  - (b) interference with any times at which the defendant normally works or attends an educational establishment.
- (5) A prohibition or requirement has effect in all parts of the United Kingdom unless expressly limited to a particular locality.
- (6) An interim stalking protection order—

- (a) has effect only for a fixed period specified in the order, and
  - (b) ceases to have effect, if it has not already done so, on the determination of the main application.
- (7) The defendant or the chief officer of police who applied for an interim stalking protection order may apply to a magistrates' court for an order varying, renewing or discharging the interim stalking protection order.
- (8) On an application under subsection (7), the court may make any order varying, renewing or discharging the stalking protection order that the court considers appropriate.

## **6 Content of orders**

A stalking protection order and an interim stalking protection order must specify—

- (a) the date on which the order is made;
- (b) whether it has effect for a fixed period and, if it does, the length of that period;
- (c) each prohibition or requirement that applies to the defendant;
- (d) whether any prohibition or requirement is expressly limited to a particular locality and, if it is, what the locality is;
- (e) whether any prohibition or requirement is subject to a fixed period which differs from the period for which the order has effect and, if it is, what that period is.