



# Stalking Protection Act 2019

## 2019 CHAPTER 9

### *Stalking protection orders*

#### **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).

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*Changes to legislation: There are currently no known outstanding effects for the Stalking Protection Act 2019, Section 2. (See end of Document for details)*

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- (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.

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**Commencement Information**

**II** [S. 2](#) 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, Section 2.