



Protection from Harassment Act 1997

1997 CHAPTER 40

An Act to make provision for protecting persons from harassment and similar conduct. [21st March 1997]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

England and Wales

1 Prohibition of harassment.

- (1) A person must not pursue a course of conduct—
- (a) which amounts to harassment of another, and
 - (b) which he knows or ought to know amounts to harassment of the other.

- [^{F1}(1A) A person must not pursue a course of conduct —
- (a) which involves harassment of two or more persons, and
 - (b) which he knows or ought to know involves harassment of those persons, and
 - (c) by which he intends to persuade any person (whether or not one of those mentioned above)—
 - (i) not to do something that he is entitled or required to do, or
 - (ii) to do something that he is not under any obligation to do.]

- (2) For the purposes of this section [^{F2}or section 2A(2)(c)], the person whose course of conduct is in question ought to know that it amounts to [^{F3} or involves] harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other.

- (3) Subsection (1) [^{F4}or (1A)] does not apply to a course of conduct if the person who pursued it shows—
- (a) that it was pursued for the purpose of preventing or detecting crime,

Changes to legislation: There are currently no known outstanding effects for the Protection from Harassment Act 1997. (See end of Document for details)

- (b) that it was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment, or
- (c) that in the particular circumstances the pursuit of the course of conduct was reasonable.

2 Offence of harassment.

- (1) A person who pursues a course of conduct in breach of [^{F5}section 1(1) or (1A)] is guilty of an offence.
- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both.

[^{F7}2A Offence of stalking

- (1) A person is guilty of an offence if—
 - (a) the person pursues a course of conduct in breach of section 1(1), and
 - (b) the course of conduct amounts to stalking.
- (2) For the purposes of subsection (1)(b) (and section 4A(1)(a)) a person's course of conduct amounts to stalking of another person if—
 - (a) it amounts to harassment of that person,
 - (b) the acts or omissions involved are ones associated with stalking, and
 - (c) the person whose course of conduct it is knows or ought to know that the course of conduct amounts to harassment of the other person.
- (3) The following are examples of acts or omissions which, in particular circumstances, are ones associated with stalking—
 - (a) following a person,
 - (b) contacting, or attempting to contact, a person by any means,
 - (c) publishing any statement or other material—
 - (i) relating or purporting to relate to a person, or
 - (ii) purporting to originate from a person,
 - (d) monitoring the use by a person of the internet, email or any other form of electronic communication,
 - (e) loitering in any place (whether public or private),
 - (f) interfering with any property in the possession of a person,
 - (g) watching or spying on a person.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, or a fine not exceeding level 5 on the standard scale, or both.
- (5) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (4) to 51 weeks is to be read as a reference to six months.
- (6) This section is without prejudice to the generality of section 2.]

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3 Civil remedy.

- (1) An actual or apprehended breach of [^{F9}section 1(1)] may be the subject of a claim in civil proceedings by the person who is or may be the victim of the course of conduct in question.
- (2) On such a claim, damages may be awarded for (among other things) any anxiety caused by the harassment and any financial loss resulting from the harassment.
- (3) Where—
 - (a) in such proceedings the High Court or [^{F10}the county] court grants an injunction for the purpose of restraining the defendant from pursuing any conduct which amounts to harassment, and
 - (b) the plaintiff considers that the defendant has done anything which he is prohibited from doing by the injunction,the plaintiff may apply for the issue of a warrant for the arrest of the defendant.
- (7) Where a person is convicted of an offence under subsection (6) in respect of any conduct, that conduct is not punishable as a contempt of court.
- (8) A person cannot be convicted of an offence under subsection (6) in respect of any conduct which has been punished as a contempt of court.
- (9) A person guilty of an offence under subsection (6) is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum, or both.