



# Protection from Harassment Act 1997

## 1997 CHAPTER 40

### *Scotland*

#### **[<sup>F1</sup>8A Harassment amounting to domestic abuse**

- (1) Every individual has a right to be free from harassment and, accordingly, a person must not engage in conduct which amounts to harassment of another and—
  - (a) is intended to amount to harassment of that person; or
  - (b) occurs in circumstances where it would appear to a reasonable person that it would amount to harassment of that person.
- (2) Subsection (1) only applies where the conduct referred to amounts to domestic abuse.
- (3) Subsections (2) to (7) of section 8 apply in relation to subsection (1) as they apply in relation to subsection (1) of that section but with the following modifications—
  - (a) in subsections (2) and (4), the words “course of” are omitted;
  - (b) for subsection (3) there is substituted—

“(3) For the purposes of this section—  
“conduct”—  
(a) may involve behaviour on one or more than one occasion; and  
(b) includes—  
(i) speech; and  
(ii) presence in any place or area; and  
“harassment” of a person includes causing the person alarm or distress.”; and
  - (c) in subsection (4)(b), for “pursued” substitute “engaged in” . ]

#### **Textual Amendments**

**F1** S. 8A inserted (S.) (21.7.2011) by [Domestic Abuse \(Scotland\) Act 2011 \(asp 13\)](#), ss. **1(2)**, **5(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the Protection from Harassment Act 1997, Section 8A.