



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 1

### SENTENCING

#### *Non-harassment orders*

#### **15 Non-harassment orders**

In section 234A of the 1995 Act (non-harassment orders)—

- (a) in subsection (1), for “harassment of” substitute “misconduct towards”,
- (b) in subsection (2), for “further harassment” substitute “harassment (or further harassment)”,
- (c) after subsection (2) insert—

“(2A) The court may, for the purpose of subsection (2) above, have regard to any information given to it for that purpose by the prosecutor—

- (a) about any other offence involving misconduct towards the victim—
  - (i) of which the offender has been convicted, or
  - (ii) as regards which the offender has accepted (or has been deemed to have accepted) a fixed penalty or compensation offer under section 302(1) or 302A(1) or as regards which a work order has been made under section 303ZA(6),
- (b) in particular, by way of—
  - (i) an extract of the conviction along with a copy of the complaint or indictment containing the charge to which the conviction relates, or
  - (ii) a note of the terms of the charge to which the fixed penalty offer, compensation offer or work order relates.

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*Status: This is the original version (as it was originally enacted).*

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(2B) But the court may do so only if the court may, under section 101 or 101A (in a solemn case) or section 166 or 166A (in a summary case), have regard to the conviction or the offer or order.

(2C) The court must give the offender an opportunity to make representations in response to the application.”, and

(d) for subsection (7) substitute—

“(7) For the purposes of this section—

“harassment” and “conduct” are to be construed in accordance with section 8 of the Protection from Harassment Act 1997 (c.40),

“misconduct” includes conduct that causes alarm or distress.”.