



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 4

#### PUBLIC ORDER AND CONDUCT IN PUBLIC PLACES ETC.

##### *Harassment*

#### **125 Harassment intended to deter lawful activities**

- (1) The Protection from Harassment Act 1997 (c. 40) is amended as follows.
- (2) In section 1 (prohibition of harassment)—
  - (a) after subsection (1) insert—

“(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.”;
  - (b) in subsection (2), after “amounts to” insert “ or involves ” and after “amounted to” insert “ or involved ”;
  - (c) in subsection (3), after “Subsection (1)” insert “ or (1A) ”.
- (3) In section 2(1) (offence of harassment) for “section 1” substitute “ section 1(1) or (1A) ”.

*Changes to legislation: Serious Organised Crime and Police Act 2005, Section 125 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) In section 3(1) (civil remedy) for “section 1” substitute “ section 1(1) ”.
- (5) After section 3 insert—

**“3A Injunctions to protect persons from harassment within section 1(1A)**

- (1) This section applies where there is an actual or apprehended breach of section 1(1A) by any person (“the relevant person”).
- (2) In such a case—
- (a) any person who is or may be a victim of the course of conduct in question, or
  - (b) any person who is or may be a person falling within section 1(1A)(c), may apply to the High Court or a county court for an injunction restraining the relevant person from pursuing any conduct which amounts to harassment in relation to any person or persons mentioned or described in the injunction.
- (3) Section 3(3) to (9) apply in relation to an injunction granted under subsection (2) above as they apply in relation to an injunction granted as mentioned in section 3(3)(a).”

<sup>F1</sup>(6) .....

- (7) In section 7 (interpretation of sections 1 to 5)—

(a) for subsection (3) substitute—

“(3) A “course of conduct” must involve—

- (a) in the case of conduct in relation to a single person (see section 1(1)), conduct on at least two occasions in relation to that person, or
- (b) in the case of conduct in relation to two or more persons (see section 1(1A)), conduct on at least one occasion in relation to each of those persons.”; and

(b) after subsection (4) add—

“(5) References to a person, in the context of the harassment of a person, are references to a person who is an individual.”

**Textual Amendments**

**F1** S. 125(6) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\)](#), [416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

**Commencement Information**

**II** S. 125 in force at 1.7.2005 by [S.I. 2005/1521](#), [art. 3\(1\)\(m\)](#)

**Changes to legislation:**

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**Commencement Orders yet to be applied to the Serious Organised Crime and Police Act 2005**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2006/2182 art. 3](#) amendment to earlier commencing SI 2006/1871