



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)”.

- (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).”
- (6) In section 5(2) (restraining orders) after “victim” insert “or victims”.
- (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.”