



Stalking Protection Act 2019

2019 CHAPTER 9

Appeals and enforcement

7 Appeals

- (1) A defendant may appeal to the Crown Court against—
 - (a) the making of a stalking protection order,
 - (b) the making of an interim stalking protection order,
 - (c) the making of an order under section 4 on an application by a chief officer of police, or
 - (d) the refusal to make an order under section 4 on an application by the defendant.
- (2) A chief officer of police who applied for a stalking protection order, an interim stalking protection order or an order under section 4 may appeal to the Crown Court against—
 - (a) the refusal to make a stalking protection order,
 - (b) the refusal to make an interim stalking protection order, or
 - (c) the refusal to make an order under section 4 on an application by the chief officer.
- (3) A relevant chief officer of police (see section 14(1)) may appeal to the Crown Court against the making of an order under section 4 on an application by the defendant.
- (4) On any such appeal, the Crown Court may make—
 - (a) such orders as may be necessary to give effect to its determination of the appeal, and
 - (b) such incidental or consequential orders as appear to it to be appropriate.

8 Offence of breaching stalking protection order etc

- (1) A person who, without reasonable excuse, breaches a stalking protection order or an interim stalking protection order commits an offence.
- (2) A person guilty of an offence under this section is liable—

Status: This is the original version (as it was originally enacted).

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine or both, or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine or both.
- (3) In relation to an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, the reference in subsection (2)(a) to 12 months is to be read as a reference to 6 months.
- (4) If a person is convicted of an offence under this section, it is not open to the court by or before which the person is convicted to make an order under subsection (1)(b) of section 12 of the Powers of Criminal Courts (Sentencing) Act 2000 (conditional discharge).
- (5) In proceedings for an offence under this section, a copy of the original stalking protection order or interim stalking protection order, certified by the designated officer for the court which made it, is admissible as evidence of its having been made and of its contents to the same extent that oral evidence of those things is admissible in those proceedings.