



## 2022 CHAPTER 17

### *Offences*

#### **Offence of stalking**

1.—(1) A person (“A”) commits an offence (in this Act referred to as the offence of stalking) where—

- (a) A engages in a course of conduct,
- (b) A’s course of conduct—
  - (i) causes another person (“B”) to suffer fear, alarm or substantial distress, or
  - (ii) is such that a reasonable person, or a reasonable person who has any particular knowledge of B that A has, would consider to be likely to cause B to suffer fear, alarm or substantial distress, and
- (c) at least one of the further conditions applies.

(2) The further conditions are—

- (a) that A engages in the course of conduct with the intention of causing B to suffer fear, alarm or substantial distress;
- (b) that A knows, or ought in all the circumstances to have known, that engaging in the course of conduct would be likely to cause B to suffer fear, alarm or substantial distress.

(3) If—

- (a) A is a UK national or is habitually resident in Northern Ireland, and
- (b) A’s course of conduct consists of or includes conduct occurring in a country, or territory, outside the United Kingdom,

the course of conduct is to be treated for the purposes of this section as if it occurred in Northern Ireland.

(4) In subsections (1) to (3) and this subsection—

“conduct” means—

- (a) following B or any other person,
- (b) contacting, or attempting to contact, B or any other person by any means,
- (c) publishing any statement or other material—
  - (i) relating or purporting to relate to B or to any other person,
  - (ii) purporting to originate from B or from any other person,
- (d) monitoring the use by B or by any other person of the internet, email or any other form of electronic communication,
- (e) entering any premises,
- (f) loitering in any place (whether public or private),
- (g) interfering with any property in the possession of B or of any other person,
- (h) giving anything to B or to any other person or leaving anything where it may be found by, given to or brought to the attention of B or any other person,
- (i) watching or spying on B or any other person, or
- (j) acting in any other way that a reasonable person, or a reasonable person who has any particular knowledge of B that A has, would expect would cause B to suffer fear, alarm or substantial distress;

“course of conduct” involves conduct on two or more occasions;

“substantial distress” means distress that has a substantial adverse effect on B’s day to day activities.

(5) It is a defence for a person charged with the offence of stalking to show that the course of conduct—

- (a) was authorised by virtue of any statutory provision or rule of law,
- (b) was engaged in for the purpose of preventing or detecting crime, or
- (c) was reasonable in the particular circumstances.

(6) A person who commits the offence of stalking is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years or a fine (or both), or
- (b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both).

(7) In proceedings in respect of a charge against a person of the offence of stalking, the person may be convicted of an offence under section 2 if the facts proved against the person—

- (a) do not amount to the offence of stalking, but
- (b) do amount to the offence under section 2.

(8) Subsection (7) is without prejudice to section 6(2) of the Criminal Law Act (Northern Ireland) 1967 (alternative verdicts on trial on indictment).

(9) In this section “statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.