



# Administration of Justice Act 1970

## 1970 CHAPTER 31

### PART V

#### MISCELLANEOUS PROVISIONS

#### **40 Punishment for unlawful harassment of debtors.**

- (1) A person commits an offence if, with the object of coercing another person to pay money claimed from the other as a debt due under a contract, he—
  - (a) harasses the other with demands for payment which, in respect of their frequency or the manner or occasion of making any such demand, or of any threat or publicity by which any demand is accompanied, are calculated to subject him or members of his family or household to alarm, distress or humiliation;
  - (b) falsely represents, in relation to the money claimed, that criminal proceedings lie for failure to pay it;
  - (c) falsely represents himself to be authorised in some official capacity to claim or enforce payment; or
  - (d) utters a document falsely represented by him to have some official character or purporting to have some official character which he knows it has not.
- (2) A person may be guilty of an offence by virtue of subsection (1)(a) above if he concert with others in the taking of such action as is described in that paragraph, notwithstanding that his own course of conduct does not by itself amount to harassment.
- (3) Subsection (1)(a) above does not apply to anything done by a person which is reasonable (and otherwise permissible in law) for the purpose—
  - (a) of securing the discharge of an obligation due, or believed by him to be due, to himself or to persons for whom he acts, or protecting himself or them from future loss; or
  - (b) of the enforcement of any liability by legal process.

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*Status: Point in time view as at 26/05/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1970, Section 40. (See end of Document for details)*

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[<sup>F1</sup>(3A) Subsection (1) above does not apply to anything done by a person to another in circumstances where what is done is a commercial practice within the meaning of the Consumer Protection from Unfair Trading Regulations 2008 and the other is a consumer in relation to that practice.]

(4) A person guilty of an offence under this section shall be liable on summary conviction to a fine of not more than £100, and on a second or subsequent conviction to a fine of not more than £400.

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**Textual Amendments**

**F1** S. 40(3A) inserted (26.5.2008) by The Consumer Protection from [Unfair Trading Regulations 2008](#) (S.I. 2008/1277), reg. 30(1), **Sch. 2 para. 13** (with reg. 28(2)(3))

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**Modifications etc. (not altering text)**

**C1** S. 40(4)[Criminal Justice Act 1982](#) (c. 48, SIF 39:1), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

**Status:**

Point in time view as at 26/05/2008.

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Justice Act 1970, Section 40.