



Protection from Harassment Act 1997

1997 CHAPTER 40

England and Wales

[^{F1}4A Stalking involving fear of violence or serious alarm or distress

- (1) A person (“A”) whose course of conduct—
 - (a) amounts to stalking, and
 - (b) either—
 - (i) causes another (“B”) to fear, on at least two occasions, that violence will be used against B, or
 - (ii) causes B serious alarm or distress which has a substantial adverse effect on B's usual day-to-day activities,

is guilty of an offence if A knows or ought to know that A's course of conduct will cause B so to fear on each of those occasions or (as the case may be) will cause such alarm or distress.
- (2) For the purposes of this section A ought to know that A's course of conduct will cause B to fear that violence will be used against B on any occasion if a reasonable person in possession of the same information would think the course of conduct would cause B so to fear on that occasion.
- (3) For the purposes of this section A ought to know that A's course of conduct will cause B serious alarm or distress which has a substantial adverse effect on B's usual day-to-day activities if a reasonable person in possession of the same information would think the course of conduct would cause B such alarm or distress.
- (4) It is a defence for A to show that—
 - (a) A's course of conduct was pursued for the purpose of preventing or detecting crime,
 - (b) A's course of conduct was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment, or
 - (c) the pursuit of A's course of conduct was reasonable for the protection of A or another or for the protection of A's or another's property.

Status: Point in time view as at 01/12/2020. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Protection from Harassment Act 1997, Section 4A. (See end of Document for details)

- (5) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding [^{F2}ten years], or a fine, or both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding twelve months, or a fine not exceeding the statutory maximum, or both.
- (6) In relation to an offence committed before the commencement of [^{F3}paragraph 24(2) of Schedule 22 to the Sentencing Act 2020], the reference in subsection (5)(b) to twelve months is to be read as a reference to six months.
- (7) If on the trial on indictment of a person charged with an offence under this section the jury find the person not guilty of the offence charged, they may find the person guilty of an offence under section 2 or 2A.
- (8) The Crown Court has the same powers and duties in relation to a person who is by virtue of subsection (7) convicted before it of an offence under section 2 or 2A as a magistrates' court would have on convicting the person of the offence.
- (9) This section is without prejudice to the generality of section 4.]

Textual Amendments

- F1** S. 4A inserted (25.11.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 111(2)**, 120 (with s. 97); [S.I. 2012/2075](#), art. 5(a)
- F2** Words in s. 4A(5)(a) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 175(1)(b)**, 183(1)(5)(e) (with s. 175(3)); [S.I. 2017/399](#), reg. 2, Sch. para. 35
- F3** Words in s. 4A(6) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 443(1)** (with Sch. 24 para. 447, Sch. 27); [S.I. 2020/1236](#), reg. 2

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