



Protection from Harassment Act 1997

1997 CHAPTER 40

England and Wales

[^{F1}5A Restraining orders on acquittal

- (1) A court before which a person (“the defendant”) is acquitted of an offence may, if it considers it necessary to do so to protect a person from harassment by the defendant, make an order prohibiting the defendant from doing anything described in the order.
- (2) Subsections (3) to (7) of section 5 apply to an order under this section as they apply to an order under that one.
- (3) Where the Court of Appeal allow an appeal against conviction they may remit the case to the Crown Court to consider whether to proceed under this section.
- (4) Where—
 - (a) the Crown Court allows an appeal against conviction, or
 - (b) a case is remitted to the Crown Court under subsection (3),the reference in subsection (1) to a court before which a person is acquitted of an offence is to be read as referring to that court.
- (5) A person made subject to an order under this section has the same right of appeal against the order as if—
 - (a) he had been convicted of the offence in question before the court which made the order, and
 - (b) the order had been made under section 5.]

Textual Amendments

- F1** S. 5A inserted (30.9.2009) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), **ss. 12(5)**, 60; S.I. 2009/2501, art. 2(a)

Status:

Point in time view as at 30/09/2009. This version of this provision has been superseded.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 5A.