



Protection from Harassment Act 1997

1997 CHAPTER 40

Scotland

8 Harassment. S

- (1) Every individual has a right to be free from harassment and, accordingly, a person must not pursue a course of conduct which amounts to harassment of another and—
- is intended to amount to harassment of that person; or
 - occurs in circumstances where it would appear to a reasonable person that it would amount to harassment of that person.

[^{F1}(1A) Subsection (1) is subject to section 8A.]

- (2) An actual or apprehended breach of subsection (1) may be the subject of a claim in civil proceedings by the person who is or may be the victim of the course of conduct in question; and any such claim shall be known as an action of harassment.
- (3) For the purposes of this section—
- “conduct” includes speech;
 - “harassment” of a person includes causing the person alarm or distress; and
- a course of conduct must involve conduct on at least two occasions.
- (4) It shall be a defence to any action of harassment to show that the course of conduct complained of—
- was authorised by, under or by virtue of any enactment or rule of law;
 - was pursued for the purpose of preventing or detecting crime; or
 - was, in the particular circumstances, reasonable.
- (5) In an action of harassment the court may, without prejudice to any other remedies which it may grant—
- award damages;
 - grant—
 - interdict or interim interdict;

Changes to legislation: There are currently no known outstanding effects for the Protection from Harassment Act 1997, Section 8. (See end of Document for details)

(ii) if it is satisfied that it is appropriate for it to do so in order to protect the person from further harassment, an order, to be known as a “non-harassment order”, requiring the defender to refrain from such conduct in relation to the pursuer as may be specified in the order for such period (which includes an indeterminate period) as may be so specified,

but a person may not be subjected to the same prohibitions in an interdict or interim interdict and a non-harassment order at the same time.

- (6) The damages which may be awarded in an action of harassment include damages for any anxiety caused by the harassment and any financial loss resulting from it.
- (7) Without prejudice to any right to seek review of any interlocutor, a person against whom a non-harassment order has been made, or the person for whose protection the order was made, may apply to the court by which the order was made for revocation of or a variation of the order and, on any such application, the court may revoke the order or vary it in such manner as it considers appropriate.

^{F2}(8)

Textual Amendments

F1 S. 8(1A) inserted (21.7.2011) by Domestic Abuse (Scotland) Act 2011 (asp 13), **ss. 1(1), 5(2)**

F2 S. 8(8) repealed (7.7.2011) by Damages (Scotland) Act 2011 (asp 7), s. 19(3), **Sch. 2** (with ss. 17, 19(2)); S.S.I. 2011/268, art. 3 (with art. 4)

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