Status: Point in time view as at 10/09/2012. This version of this provision is not valid for this point in time. Changes to legislation: Protection of Freedoms Act 2012, Section 111 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



# Protection of Freedoms Act 2012

## **2012 CHAPTER 9**

## PART 7

#### MISCELLANEOUS AND GENERAL

#### Stalking

VALID FROM 25/11/2012

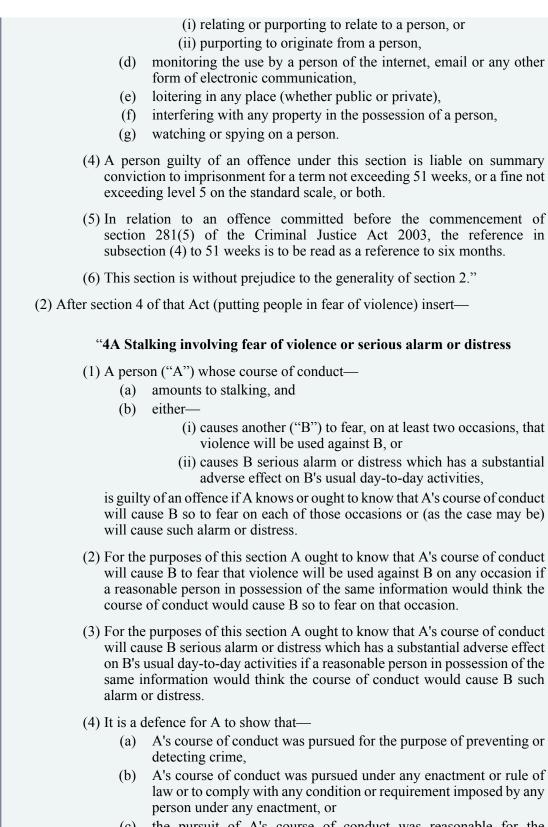
### 111 Offences in relation to stalking

(1) After section 2 of the Protection from Harassment Act 1997 (offence of harassment) insert—

#### "2A Offence of stalking

- (1) A person is guilty of an offence if-
  - (a) the person pursues a course of conduct in breach of section 1(1), and
  - (b) the course of conduct amounts to stalking.
- (2) For the purposes of subsection (1)(b) (and section 4A(1)(a)) a person's course of conduct amounts to stalking of another person if—
  - (a) it amounts to harassment of that person,
  - (b) the acts or omissions involved are ones associated with stalking, and
  - (c) the person whose course of conduct it is knows or ought to know that the course of conduct amounts to harassment of the other person.
- (3) The following are examples of acts or omissions which, in particular circumstances, are ones associated with stalking—
  - (a) following a person,
  - (b) contacting, or attempting to contact, a person by any means,
  - (c) publishing any statement or other material—

Status: Point in time view as at 10/09/2012. This version of this provision is not valid for this point in time. Changes to legislation: Protection of Freedoms Act 2012, Section 111 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



(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Status: Point in time view as at 10/09/2012. This version of this provision is not valid for this point in time. Changes to legislation: Protection of Freedoms Act 2012, Section 111 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (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 five 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 section 154(1) of the Criminal Justice Act 2003, 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."

#### Status:

Point in time view as at 10/09/2012. This version of this provision is not valid for this point in time.

#### Changes to legislation:

Protection of Freedoms Act 2012, Section 111 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.