



# Protection from Harassment Act 1997

## 1997 CHAPTER 40

### *England and Wales*

#### **[<sup>F1</sup>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.

---

*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 [<sup>F2</sup>ten years], or a fine, or both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding [<sup>F3</sup>the general limit in a magistrates' court], or a fine not exceeding the statutory maximum, or both.
- (6) In relation to an offence committed before [<sup>F4</sup>2 May 2022], the reference in subsection (5)(b) to [<sup>F5</sup>the general limit in a magistrates' court] 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(5)(b) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1** table
- F4** Words in s. 4A(6) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), **Sch. Pt. 1**
- F5** Words in s. 4A(6) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1** table

**Changes to legislation:**

There are currently no known outstanding effects for the Protection from Harassment Act 1997, Section 4A.