



Criminal Justice and Police Act 2001

2001 CHAPTER 16

PART 1

PROVISIONS FOR COMBATTING CRIME AND DISORDER

CHAPTER 3

OTHER PROVISIONS FOR COMBATTING CRIME AND DISORDER

Further provision about intimidation etc.

42 Police directions stopping the harassment etc of a person in his home

- (1) Subject to the following provisions of this section, a constable who is at the scene may give a direction under this section to any person if—
- (a) that person is present outside or in the vicinity of any premises that are used by any individual (“the resident”) as his dwelling;
 - (b) that constable believes, on reasonable grounds, that that person is present there for the purpose (by his presence or otherwise) of representing to the resident or another individual (whether or not one who uses the premises as his dwelling), or of persuading the resident or such another individual—
 - (i) that he should not do something that he is entitled or required to do; or
 - (ii) that he should do something that he is not under any obligation to do;and
 - (c) that constable also believes, on reasonable grounds, that the presence of that person (either alone or together with that of any other persons who are also present)—
 - (i) amounts to, or is likely to result in, the harassment of the resident; or
 - (ii) is likely to cause alarm or distress to the resident.

Changes to legislation: Criminal Justice and Police Act 2001, Section 42 is up to date with all changes known to be in force on or before 25 February 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) View outstanding changes

- (2) A direction under this section is a direction requiring the person to whom it is given to do all such things as the constable giving it may specify as the things he considers necessary to prevent one or both of the following—
- (a) the harassment of the resident; or
 - (b) the causing of any alarm or distress to the resident.
- (3) A direction under this section may be given orally; and where a constable is entitled to give a direction under this section to each of several persons outside, or in the vicinity of, any premises, he may give that direction to those persons by notifying them of his requirements either individually or all together.
- [^{F1}(4) The requirements that may be imposed by a direction under this section include—
- (a) a requirement to leave the vicinity of the premises in question, and
 - (b) a requirement to leave that vicinity and not to return to it within such period as the constable may specify, not being longer than 3 months;
- and (in either case) the requirement to leave the vicinity may be to do so immediately or after a specified period of time.]
- (5) A direction under this section may make exceptions to any requirement imposed by the direction, and may make any such exception subject to such conditions as the constable giving the direction thinks fit; and those conditions may include—
- (a) conditions as to the distance from the premises in question at which, or otherwise as to the location where, persons who do not leave their vicinity must remain; and
 - (b) conditions as to the number or identity of the persons who are authorised by the exception to remain in the vicinity of those premises.
- (6) The power of a constable to give a direction under this section shall not include—
- (a) any power to give a direction at any time when there is a more senior-ranking police officer at the scene; or
 - (b) any power to direct a person to refrain from conduct that is lawful under section 220 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) (right peacefully to picket a work place);
- but it shall include power to vary or withdraw a direction previously given under this section.
- (7) Any person who knowingly [^{F2}fails to comply with a requirement in a direction given to him under this section (other than a requirement under subsection (4)(b))] shall be guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding level 4 on the standard scale, or to both.
- [^{F3}(7A) Any person to whom a constable has given a direction including a requirement under subsection (4)(b) commits an offence if he—
- (a) returns to the vicinity of the premises in question within the period specified in the direction beginning with the date on which the direction is given; and
 - (b) does so for the purpose described in subsection (1)(b).
- (7B) A person guilty of an offence under subsection (7A) shall be liable, on summary conviction, to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 4 on the standard scale, or to both.

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(7C) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for summary offences), the reference in subsection (7B) to 51 weeks is to be read as a reference to 6 months.]

(8) ^{F4}

(9) In this section “dwelling” has the same meaning as in Part 1 of the Public Order Act 1986 (c. 64).

Textual Amendments

- F1** S. 42(4) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 127(2)**, 178; S.I. 2005/1521, **art. 3(1)(m)** (subject to arts. 3(4)(5))
- F2** Words in s. 42(7) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 127(3)**, 178; S.I. 2005/1521, **art. 3(1)(m)** (subject to arts. 3(4)(5))
- F3** S. 42(7A)-(7C) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 127(4)**, 178; S.I. 2005/1521, **art. 3(1)(m)** (subject to arts. 3(4)(5))
- F4** S. 42(8) repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 111**, 174(2), 178, Sch. 7 para. 35(a), **Sch. 17 Pt. 2**; S.I. 2005/3495, **art. 2(1)** (subject to art. 2(2))

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Changes and effects yet to be applied to :

- s. 42(7) words substituted by [2003 c. 44 Sch. 26 para. 56\(3\)](#)