



**Isle of Man**

*Ellan Vannin*

**AT 12 of 2000**

**PROTECTION FROM HARASSMENT ACT  
2000**





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## PROTECTION FROM HARASSMENT ACT 2000

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**Isle of Man***Ellan Vannin*

## PROTECTION FROM HARASSMENT ACT 2000

*Received Royal Assent:* 17 October 2000

*Passed:* 17 October 2000

*Commenced:* 18 October 2000

**AN ACT** to make provision for protecting persons from harassment and similar conduct; and for connected purposes.

### 1 Prohibition of harassment

[P1997/40/1]

- (1) A person must not pursue a course of conduct —
  - (a) which amounts to harassment of another, and
  - (b) which he knows or ought to know amounts to harassment of the other.
- (2) For the purposes of this section, the person whose course of conduct is in question ought to know that it amounts to harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other.
- (3) Subsection (1) does not apply to a course of conduct if the person who pursued it shows —
  - (a) that it was pursued for the purpose of preventing or detecting crime,
  - (b) that it 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) that in the particular circumstances the pursuit of the course of conduct was reasonable.

### 2 Offence of harassment

[P1997/40/2]

- (1) A person who pursues a course of conduct in contravention of section 1 is guilty of an offence.

- (2) A person guilty of an offence under this section is liable on summary conviction to custody for a term not exceeding 6 months, or a fine not exceeding £5,000, or both.
- (3) [Repealed]<sup>1</sup>

### 3 Civil remedy

[P1997/40/3]

- (1) An actual or apprehended breach of section 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.
- (2) On such a claim, damages may be awarded for (among other things) any anxiety caused by the harassment and any financial loss resulting from the harassment.
- (3) Where —
  - (a) in such proceedings the High Court grants an injunction for the purpose of restraining the defendant from pursuing any conduct which amounts to harassment, and
  - (b) the plaintiff considers that the defendant has done anything which he is prohibited from doing by the injunction,the plaintiff may apply for the issue of a warrant for the arrest of the defendant.
- (4) An application under subsection (3) shall be made to a Deemster.
- (5) The Deemster to whom an application under subsection (3) is made may only issue a warrant if —
  - (a) the application is substantiated on oath, and
  - (b) the Deemster has reasonable grounds for believing that the defendant has done anything which he is prohibited from doing by the injunction.
- (6) Where —
  - (a) the High Court grants an injunction for the purpose of restraining the defendant from pursuing any conduct which amounts to harassment, and
  - (b) without reasonable excuse the defendant does anything which he is prohibited from doing by the injunction,he is guilty of an offence.
- (7) Where a person is convicted of an offence under subsection (6) in respect of any conduct, that conduct is not punishable as a contempt of court.
- (8) A person cannot be convicted of an offence under subsection (6) in respect of any conduct which has been punished as a contempt of court.

- (9) A person guilty of an offence under subsection (6) is liable —
- (a) on conviction on information, to custody for a term not exceeding 5 years, or a fine, or both, or
  - (b) on summary conviction, to custody for a term not exceeding 6 months, or a fine not exceeding £5,000, or both.

#### **4 Putting people in fear of violence**

[P1997/40/4]

- (1) A person whose course of conduct causes another to fear, on at least two occasions, that violence will be used against him is guilty of an offence if he knows or ought to know that his course of conduct will cause the other so to fear on each of those occasions.
- (2) For the purposes of this section, the person whose course of conduct is in question ought to know that it will cause another to fear that violence will be used against him on any occasion if a reasonable person in possession of the same information would think the course of conduct would cause the other so to fear on that occasion.
- (3) It is a defence for a person charged with an offence under this section to show that —
- (a) his course of conduct was pursued for the purpose of preventing or detecting crime,
  - (b) his 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 his course of conduct was reasonable for the protection of himself or another or for the protection of his or another's property.
- (4) A person guilty of an offence under this section is liable —
- (a) on conviction on information, to custody for a term not exceeding 5 years, or a fine, or both, or
  - (b) on summary conviction, to custody for a term not exceeding 6 months, or a fine not exceeding £5,000, or both.
- (5) If on the trial on information of a person charged with an offence under this section the jury find him not guilty of the offence charged, they may find him guilty of an offence under section 2.
- (6) The Court of General Gaol Delivery has the same powers and duties in relation to a person who is by virtue of subsection (5) convicted before it of an offence under section 2 as a court of summary jurisdiction would have on convicting him of the offence.

## 5 Restraining orders

[P1997/40/5]

- (1) A court sentencing or otherwise dealing with a person (“the defendant”) convicted of an offence under section 2 or 4 may (as well as sentencing him or dealing with him in any other way) make an order under this section.
- (2) The order may, for the purpose of protecting the victim of the offence, or any other person mentioned in the order, from further conduct which —
  - (a) amounts to harassment, or
  - (b) will cause a fear of violence,prohibit the defendant from doing anything described in the order.
- (3) The order may have effect for a specified period or until further order.
- (4) The prosecutor, the defendant or any other person mentioned in the order may apply to the court which made the order for it to be varied or discharged by a further order.
- (5) If without reasonable excuse the defendant does anything which he is prohibited from doing by an order under this section, he is guilty of an offence.
- (6) A person guilty of an offence under this section is liable —
  - (a) on conviction on information, to custody for a term not exceeding 5 years, or a fine, or both, or
  - (b) on summary conviction, to custody for a term not exceeding 6 months, or a fine not exceeding £5,000, or both.

## 6 [Amends section 11 of the *Limitation Act 1984* by inserting subsection (1A).]

## 7 Interpretation

[P1997/40/7]

- (1) References to harassing a person include alarming the person or causing the person distress.
- (2) A “**course of conduct**” involves conduct on at least two occasions unless the person undertaking the conduct has been convicted of an offence under either section 2 or 4, in which case the course of conduct need only involve conduct on one occasion if the person towards whom the conduct is directed is a person who was harassed or put in fear by the conduct to which the conviction relates.<sup>2</sup>
- (3) “**Conduct**” includes speech.



**8 Short title and commencement**

- (1) This Act may be cited as the Protection from Harassment Act 2000.
- (2) This Act shall come into operation on such day as the Department of Home Affairs may by order appoint and different days may be appointed for different provisions and for different purposes.<sup>3</sup>



**ENDNOTES****Table of Legislation History**

Legislation	Year and No	Commencement

**Table of Renumbered Provisions**

Original	Current

**Table of Endnote References**


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<sup>1</sup> Subs (3) repealed by Criminal Justice, Police Powers and Others Amendments Act 2014 s 30.

<sup>2</sup> Subs (2) substituted by Criminal Justice, Police and Courts Act 2007 s 6.

<sup>3</sup> ADO (whole Act) 18/10/2000 (SD623/00).