

retracted the true location, giving the intelligence in the cad a fake pretence to be progress way, this is the same for many of the other Cads retracted and contained within the ASBO application.

### **Termination and a Stay of Proceedings: -**

The applicant requests termination of proceedings or a stay of proceedings to be ruled by the court in the ongoing civil proceeding, with immediate effect and in turn terminating or halting further legal process in the Antisocial Behaviour Order (ASBO) appeal. I again ask for the court to subsequently terminate the case or apply a stay and resume proceedings based on events taking place after the stay is ordered.

### **The Harassment Act 1997: -**

The Protection from Harassment Act 1997

The Act was originally introduced to deal with stalking. However, since 1997 it also covers the aspects of conduct, including:

- Harassment motivated by race or religion: -
- Some types of anti-social behaviour: -
- Some forms of protest.

The Act gives both criminal and civil remedies such as two different criminal offences: -

- Pursuing a course of conduct amounting to harassment: -
- A more serious offence where the conduct puts the victim in fear of violence.

Harassing any person(s) includes any of the following: -

- Alarming a person(s) or: -
- Causing a person(s) distress.

The key element to be contained within an incident is a negative “course of conduct”, which can include speech, should normally involve conduct on at least two occasions, although there are exceptions to this.

In addition to the criminal offences, a civil court can impose civil injunctions in harassment cases as well as awarding damages to the victim for the harassment.

Section 1 of the 1997 Act states: - that a person must not pursue a course of conduct which “amounts to harassment of another” and which “he knows or ought to know” amounts to such harassment. Such conduct should lead to a criminal penalty (under section 2).

Section 7(2) of the Harassment Act 1997 states, that, “harassing a person includes alarming the person or causing the person distress”. A “course of conduct” is defined in section 7(3) creating an understanding that conduct should be made on at least two occasions.

The definition of a “course of conduct”

Is defined in section 7 of the 1997 harassment Act and makes it clear that the Act protects an individual from collective harassment by two or more people.

The Act provides three possible defences to a charge or allegation of harassment. Where harassment has been proved, the defendant would have to show one of the following: -

1. That the conduct was for the purposes of preventing or detecting crime: -
2. It was pursued under an enactment or rule of law; or: -
3. In the particular circumstances the conduct was reasonable; it is for the courts to decide whether the conduct was in fact reasonable in the circumstances.

Section 2 of the 1997 Act states the following: -

“A person who pursues a course of conduct that is in breach of section 1 is guilty of an offence”.

The offence is subject to a maximum penalty of six months’ imprisonment, or a fine of up to £5,000, or both, and is arrestable. Conduct includes Speech relating towards verbal harassment.

There are three elements of the offence: