Jersey

HARASSMENT AND STALKING (JERSEY) LAW 202-

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Jersey

HARASSMENT AND STALKING (JERSEY) LAW 202-

A LAW to create offences of aggravated harassment, stalking and aggravated stalking, to consolidate the new offences with the existing offence of harassment and to provide for stalking protection orders.

Adopted by the States	*11 March 2026*
Sanctioned by Order of His Majesty in Council	*[date to be inserted]*
Registered by the Royal Court	*[date to be inserted]*
Coming into force	*[date to be inserted]*

THE STATES, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

PART 1

INTERPRETATION

1 Interpretation

In this Law –

"harass" has the meaning given in Article 2(2);

"interim stalking protection order" means an order issued under Article 13;

"stalk" has the meaning given in Article 4(2);

"stalking behaviour" has the meaning given in Article 4(3);

"stalking protection order" means an order issued under Article 8.

PART 2

OFFENCES

2 Harassment

(1) A person who harasses another person commits an offence and is liable to imprisonment for 5 years and to a fine.

(2) A person ("A") harasses another person ("B") if –

(a) A, on more than 1 occasion, intentionally or recklessly engages in behaviour, the cumulative effect of which causes B anxiety, alarm or distress; and

(b) a reasonable person in possession of the same information as A would know, or ought to know, that the behaviour was likely to cause B anxiety, alarm or distress.

3 Aggravated harassment

A person ("A") commits an offence and is liable to imprisonment for 10 years and to a fine if –

(a) A harasses another person ("B");

(b) A's behaviour in harassing B causes –

(i) B to fear, on more than 1 occasion, that violence will be used against B or another person; or

(ii) B serious anxiety, alarm or distress, resulting in an adverse effect on B's ability to carry out or participate in their usual daily activities; and

(c) a reasonable person in possession of the same information as A would know, or ought to know, that the behaviour was likely to cause 1 of the consequences described in sub-paragraph (b).

4 Stalking

(1) A person ("A") who stalks another person ("B") commits an offence and is liable to imprisonment for 5 years and to a fine.

(2) A stalks B if –

(a) A harasses B; and

(b) the harassment involves stalking behaviour in relation to B.

(3) Behaviour of A is "stalking behaviour" in relation to B if it involves –

(a) monitoring or tracking B's movements, communications or activities, for example by –

(i) openly or covertly following or watching B;

(ii) gathering personal information about B; or

(iii) installing or using tracking or monitoring devices (such as spyware or GPS trackers);

(b) intruding into B's personal or digital life, for example by –

(i) unwanted contact (such as calls, messages or gifts, or loitering near or entering premises occupied or frequented by B);

(ii) impersonating B; or

(iii) accessing B's social media or online financial accounts; or

(c) disrupting, sabotaging or endangering B's safety, well-being, reputation or livelihood, for example by –

(i) interfering with B's employment, education or social relationships;

(ii) publicly sharing private information or images; or

(iii) humiliating, or attempting to humiliate, B.

(4) Stalking behaviour may be "in relation to" B despite the fact that it consists of behaviour that makes use of another person or is directed at an animal or property.

(5) If a person who is habitually resident in Jersey stalks another person while in a jurisdiction outside of Jersey –

(a) the person commits an offence under paragraph (1); and

(b) the person may be proceeded against in Jersey in respect of the offence.

5 Aggravated stalking

A person ("A") commits an offence and is liable to imprisonment for 10 years and to a fine if –

(a) A stalks another person ("B");

(b) A's behaviour in stalking B causes –

(i) B to fear, on more than 1 occasion, that violence will be used against B or another person; or

(ii) B serious anxiety, alarm or distress, resulting in an adverse effect on B's ability to carry out or participate in their usual daily activities; and

(c) a reasonable person in possession of the same information as A would know, or ought to know, that the behaviour was likely to cause 1 of the consequences described in sub-paragraph (b).

6 Exception for law enforcement

A person does not commit an offence under Article 2, 3, 4 or 5 if the behaviour that would constitute the offence was undertaken by the person for a genuine law enforcement purpose.

7 Defences

A person has a defence to an offence under Article 2, 3, 4 or 5 if –

(a) the person's behaviour that would constitute the offence was authorised or required under an enactment or customary law; or

(b) the person's behaviour was reasonable in the circumstances.

PART 3

STALKING PROTECTION ORDERS

8 Issuing stalking protection order

(1) The Attorney General may apply to the Magistrate's Court for the Court to issue a stalking protection order against a person ("A") aged 16 or older if the Attorney General has reasonable grounds to believe that –

(a) A has engaged in stalking behaviour towards another person ("B"); and

(b) the order is necessary to protect B from the risk of harm from further stalking behaviour by A.

(2) The Magistrate's Court may issue a stalking protection order against A if –

(a) the Court receives an application for the order from the Attorney General; and

(b) the Court is satisfied that –

(i) on the balance of probabilities, A has engaged in stalking behaviour towards B (regardless of whether A has been charged with or convicted of an offence); and

(ii) it is necessary and proportionate to issue the order to protect B from the risk of harm from further stalking behaviour by A.

(3) For the purpose of assessing whether A has engaged in stalking behaviour, it is irrelevant –

(a) whether the behaviour alleged to be stalking behaviour occurred –

(i) in Jersey or elsewhere; or

(ii) before or after the commencement of this Law; or

(b) whether A has been convicted of an offence in relation to the behaviour.

(4) Before issuing a stalking protection order, the Court must –

(a) consider any statements made by A or B on the matter;

(b) consider the welfare of any person under the age of 18 whose interests the Court considers relevant to the giving of the order (whether or not that person and A are personally connected); and

(c) if the order will limit or prevent A from entering the premises where B lives, take reasonable steps to discover and consider the opinion of any other person who lives at the premises and is personally connected to A or B.

(5) Once a hearing is set to hear the application, a police officer must give A notice of the hearing, and notice is deemed to have been given if the Magistrate's Court is satisfied that reasonable efforts have been made to give A the notice.

(6) In paragraph (4), "personally connected" has the meaning given in Article 2 of the Domestic Abuse (Jersey) Law 2022.

9 Content and duration of stalking protection order

(1) A stalking protection order may –

(a) prohibit the person the order is issued against ("A") from contacting the person for whose protection it is made ("B");

(b) prohibit A from coming within a specified distance of B;

(c) prohibit A from coming within a specified distance of specified premises;

(d) prohibit A from engaging in surveillance of B by any means;

(e) prohibit A from taking videos or photographs of B;

(f) prohibit A from referring to B on social media, either directly or indirectly;

(g) require A to report to a police station at specified intervals;

(h) require A to attend specified counselling or education;

(i) require A to surrender devices to a police officer or provide a police officer with access to those devices; and

(j) impose any other prohibition or requirement on A that the Magistrate's Court considers necessary to protect B from the risk of harm caused by further stalking behaviour by A.

(2) In imposing prohibitions or requirements on A in an order, the Magistrate's Court must, so far as practicable, avoid –

(a) conflict with A's religious beliefs;

(b) interference with A's work or with A's attendance at an educational establishment; and

(c) conflict with the requirements of any other court order or injunction to which A is subject.

(3) A stalking protection order must state the period for which the order is in force, which must not exceed 10 years.

10 Renewal of stalking protection order

(1) The Magistrate's Court may renew a stalking protection order against a person if –

(a) the Court receives an application by the Attorney General during the period that a stalking protection order is in force against the person; and

(b) the Court is satisfied that the grounds for issuing the order continue to be met.

(2) Once a hearing is set to hear the application, a police officer must give A notice of the hearing, and notice is deemed to have been given if the Magistrate's Court is satisfied that reasonable efforts have been made to give A the notice.

(3) An order to renew a stalking protection order must state the period for which the order is renewed, which must not exceed 10 years.

(4) There is no limit on how many times the Court may renew a stalking protection order.

11 Varying or revoking stalking protection order

(1) This Article applies if –

(a) the Magistrate's Court issues a stalking protection order against a person ("A") for the protection of another person ("B"); and

(b) either –

(i) the terms of the order are no longer sufficient to protect B from the risk of harm caused by stalking behaviour by A; or

(ii) the terms of the order are no longer necessary or proportionate to protect B from the risk of harm caused by stalking behaviour by A.

(2) The following people may apply to the Magistrate's Court for the order to be varied or revoked –

(a) A;

(b) B;

(c) the Attorney General.

(3) The following people have a right to be heard on an application –

(a) A;

(b) B;

(c) the Attorney General; and

(d) the Chief Officer of the States of Jersey Police Force.

(4) The Magistrate's Court may vary or revoke the stalking protection order if the Court is satisfied that it is appropriate to do so.

(5) A stalking protection order that is the subject of an application –

(a) may be stayed (in part or in full) by the Magistrate's Court until the application to vary or revoke the order is determined; but

(b) otherwise continues to have effect until that application is determined.

12 Appeal against stalking protection order

(1) This Article applies in respect of a decision of the Magistrate's Court to –

(a) issue, vary, renew or revoke a stalking protection order;

(b) refuse an application to issue, vary, renew or revoke a stalking protection order; or

(c) impose certain prohibitions or requirements in a stalking protection order.

(2) The following people may appeal against the decision on the grounds that the decision is based on an error of law or fact –

(a) the person against whom the order is (or would be) issued;

(b) the person for whose protection the order is (or would be) issued;

(c) the Attorney General.

(3) An appeal must be made to the Royal Court within 14 days after the decision is made.

(4) The following people have the right to be heard on an appeal –

(a) the person against whom the order is (or would be) issued;

(b) the person for whose protection the order is (or would be) issued;

(c) the Chief Officer of the States of Jersey Police Force; and

(d) the Attorney General.

(5) The Royal Court may uphold, overturn or vary the decision as the Court thinks appropriate.

(6) A decision that is the subject of an appeal –

(a) may be stayed (in part of in full) by the Royal Court until the application to vary, renew or revoke is determined; but

(b) otherwise continues to have effect until that application is determined.

13 Issuing interim stalking protection order

(1) This Article applies if a stalking protection order has been applied for against a person, but the application has not yet been determined.

(2) The Magistrate's Court may, if it considers it appropriate to do so, issue an interim stalking protection order against the person.

(3) An interim stalking protection order may impose any prohibition or requirement on the person that the Court considers appropriate, including anything contained in Article 9(1).

(4) An interim stalking protection order remains in force until –

(a) the application for the stalking protection order is determined or withdrawn;

(b) the end of a fixed period stated in the interim stalking protection order; or

(c) it is revoked by the Court.

14 Notification requirements

(1) If a court makes an interim stalking protection order or a stalking protection order against a person, the person must notify an authorised officer of –

(a) each name the person uses;

(b) the person's place of residence; and

(c) if included in the order, each online identifier the person uses.

(2) The person must make the notification –

(a) as soon as practicable after the court makes the order; and

(b) while the order is in force –

(i) every year on the anniversary of the day on which the order was made; and

(ii) whenever the information required to be notified changes, in accordance with paragraphs (3) to (5).

(3) If the person uses a name that has not been notified, the person must notify an authorised officer of the name within 24 hours after the person's first use of the name.

(4) If the person's place of residence changes, the person must notify an authorised officer of the new address –

(a) if the person has prior knowledge of the change, at least 24 hours before the change, if this is possible; or

(b) in any other case, as soon as reasonably practicable but, in any event, within 24 hours after the change.

(5) If the person is required to notify an authorised officer of their online identifiers, the person must notify an authorised officer of a new online identifier within 24 hours after the person's first use of the identifier.

(6) The notification requirements under this Article do not apply to a person to the extent that the person is already required to provide the information to the police in accordance with –

(a) notification requirements under Part 2 of the Sex Offenders (Jersey) Law 2010; or

(b) notification requirements under Part 4 of the Domestic Abuse (Jersey) Law 2022.

(7) A person who, without reasonable excuse, fails to comply with this Article commits an offence and is liable to imprisonment for a term of 12 months and to a fine.

(8) The States may, by Regulations, amend this Law to add to, remove, or vary the matters that must be notified and the time by which the notification must occur.

(9) In this Article –

"authorised officer" means the Chief Officer of the States of Jersey Police Force or another police officer authorised by the Chief Officer of the States of Jersey Police Force for that purpose;

"online identifier" means an account, handle, profile or other means by which the person communicates or interacts in digital or electronic form.

15 Failure to comply with stalking protection order

(1) A person who, without reasonable excuse, fails to comply with an interim stalking protection order or a stalking protection order commits an offence and is liable to imprisonment for a term of 5 years and to a fine.

(2) If a person who is habitually resident in Jersey fails, without reasonable excuse, to comply with an interim stalking protection order or a stalking protection order while in a jurisdiction outside of Jersey –

(a) the person commits an offence under paragraph (1); and

(b) the person may be proceeded against in Jersey in respect of the offence.

PART 4

CLOSING PROVISIONS

16 Amendments to other enactments

(1) In the Police Procedures and Criminal Evidence (Jersey) Law 2003, in Schedule 1, Part 1, after paragraph 10 there is inserted –

11. Stalking and aggravated stalking under Articles 4 and 5 of the Harassment and Stalking (Jersey) Law 202-.

(2) Article 6 of the Crime (Public Order) (Jersey) Law 2024 is deleted.

(3) In Article 8(5) of the Crime (Public Order) (Jersey) Law 2024, for "in committing an offence under Article 6(1)" there is substituted "in committing an offence under Article 2 to 5 of the Harassment and Stalking (Jersey) Law 202-".

17 Citation and commencement

This Law may be cited as the Harassment and Stalking (Jersey) Law 202- and comes into force on a day to be specified by the Minister for Justice and Home Affairs by Order.