

Chapter 37: Guidance on answering the self-test questions

Question 1: Can you think of any categories of people who may suffer harassment but not be an associated person under the FLA 1996?

Categories of people who are not associated persons under the Family Law Act 1996 who may seek protection under the Protection from Harassment Act 1997 may include:

- People who work together
- Neighbours
- Casual acquaintances
- Lodgers or tenants

A category of people who may benefit are those people who have only had one or two 'dates' with another person or a fleeting affair. The category of those who have had an 'intimate personal relationship of significant duration' under the Family Law Act 1996 is untested by the courts but would seem to imply a degree of intimacy beyond a handful of dates or a one night stand.

Question 2: Bill drinks regularly at a pub in his town. He gets to know Shellie, who works as a barmaid. They have one date and she tells him that she doesn't want to see him anymore. Bill continues to text, telephone, and email Shellie. Shellie finds that Bill has begun to follow her and sits outside her house in his car. Shellie finds that Bill turns up to any social event that she is at and threatens any man who tries to talk to her. Advise Shellie.

Shellie and Bill may not be associated persons under the Protection from Harassment Act 1997. The category of those who have had an 'intimate personal relationship of significant duration' under the Family Law Act 1996 may not be applicable as one date is not of great duration and does not imply a great deal of intimacy. This provision is untested by the courts and so until guidance is forthcoming, we should assume Shellie and Bill are not associated persons.

Shellie could contact the police to complain of Bill's actions. If the police and CPS decide that this is a course of conduct amounting to harassment, the police may charge Bill and pursue criminal proceedings. Alternatively, Shellie could pursue a civil claim under the Protection From Harassment Act 1997 for damages/and or an injunction. Shellie may wish to consider issues of how she would fund a civil claim.