



Protection from Sex-based Harassment in Public Act 2023

2023 CHAPTER 47

PROSPECTIVE

1 Intentional harassment, alarm or distress on account of sex

After section 4A of the Public Order Act 1986 insert—

“4B Intentional harassment, alarm or distress on account of sex

- (1) A person (A) is guilty of an offence under this section if—
 - (a) A commits an offence under section 4A (intentional harassment, alarm or distress), and
 - (b) A carried out the conduct referred to in section 4A(1) because of the relevant person’s sex (or presumed sex).
- (2) In subsection (1)—
 - “presumed” means presumed by A;
 - “the relevant person” means the person to whom A intended to cause harassment, alarm or distress.
- (3) For the purposes of subsection (1)(b) it does not matter whether or not—
 - (a) A also carried out the conduct referred to in section 4A(1) because of any other factor not mentioned in subsection (1)(b), or
 - (b) A carried out the conduct referred to in section 4A(1) for the purposes of sexual gratification.
- (4) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates’ court or a fine or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Protection from Sex-based Harassment in Public Act 2023, Section 1. (See end of Document for details)

(5) If, on the trial on indictment of a person charged with an offence under this section, the jury find the person not guilty of the offence charged, they may find the person guilty of the offence in section 4A.”

Commencement Information

II S. 1 not in force at Royal Assent, see [s. 4\(3\)](#)

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Changes to legislation:

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