



Jess Phillips MP  
House of Commons  
London  
SW1A 0AA

29 January 2024

**CRIMINAL JUSTICE BILL: CLAUSE 37 (SERIOUS CRIME PREVENTION ORDERS BY CROWN COURT ON ACQUITTAL OR WHEN ALLOWING AN APPEAL)**

Dear Jess,

During the debate in Public Bill Committee on 18 January on the clauses strengthening Serious Crime Prevention Orders, I undertook to write to you in response to your query about the number of restraining orders that have been made on acquittal (Official Report, column 330).

Restraining orders can be made on acquittal under section 5A of the Protection from Harassment Act 1997. These orders were introduced to deal with those cases where there is clear evidence that the victim needs protection, but there is insufficient evidence to convict on the charges before the court. It is still open to the victim to seek a non-molestation order or injunction from a civil court. However, use of restraining orders can avoid delay and cost to the victim and provide a more seamless process for protecting victims.

The Ministry of Justice collects data on the number of restraining orders made on acquittal, but this data is not routinely published. However, the Ministry of Justice does publish information, as part of its quarterly Criminal Justice Statistics, on the number of defendants prosecuted, convicted and sentenced for breaching a restraining order in criminal courts.

The [latest release](#) covers the years from 2010 to June 2023, and includes the numbers of defendants prosecuted, convicted and sentenced for breaching a restraining order that was made on acquittal, giving us a sense of whether these orders are being used.

The number of defendants prosecuted for the offence in question can be found in the Outcomes by Offence data tool (revised January 2024), using the 'Prosecutions and Convictions' tab. The number of defendants sentenced for the offence in question, along with sentencing outcomes (for example immediate custody) can be found using the 'Sentence Outcomes' tab.

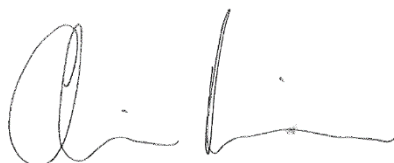
Use the following HO offence code filter to select the applicable offences:

- 00831 - Breach of Restraining Order (Protection from Harassment Act 1997)
- 00839 - Breach of Restraining Order (Sex Offenders Act 1997)
- 06638 - Breach of a Restraining Order issued on acquittal.

This shows that in 2021, for instance, 313 individuals were convicted of breaching a restraining order issued on acquittal, compared to 5,864 individuals convicted of breaching a restraining order issued on conviction. This is out of 21,542 restraining orders issued in total in 2021.<sup>1</sup> These orders are therefore used less on acquittal than on conviction, but this is right: prosecution remains the best way to disrupt these offenders. That said, orders on acquittal are appropriate in some circumstances, and the data shows that they are being used and perpetrators are being brought to justice.

I hope this information proves helpful. I am copying this letter to other members of the Committee and placing a copy in the library of the House.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Philp', written in a cursive style.

**Rt Hon Chris Philp MP**  
Minister for Crime, Policing and Fire

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<sup>1</sup> [Written questions and answers - Written questions, answers and statements - UK Parliament](#)