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STATUTORY RULES OF NORTHERN IRELAND

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**2014 No. 320**

**The Criminal Justice (European Protection Order) (Northern Ireland) Regulations 2014**

**PART 3**

**Recognition in Northern Ireland of a European protection order made in a member State other than the United Kingdom**

**Discharging a restraining order made under these regulations**

**19.**—(1) A magistrates' court may, in any of the cases mentioned in paragraph (2), discharge a restraining order made under these regulations—

- (a) on an application made by the protected person or by a guardian or other representative on the protected person's behalf;
- (b) on an application by the person causing danger; or
- (c) of the court's own motion.

(2) The cases referred to in paragraph (1) are where—

- (a) the court is satisfied that the protected person is not residing or staying in Northern Ireland;
- (b) the competent authority of the issuing State has modified a European protection order and none of the prohibitions or restrictions contained in the modified order is of a kind mentioned in Article 5 of the Directive;
- (c) the competent authority of the issuing State has modified a European protection order and the information provided in the modified order—
  - (i) is incomplete; and
  - (ii) is not completed within the period specified by the magistrates' court under regulation 17(4)(b);
- (d) in relation to the person causing danger, the competent authority of the issuing State makes a request for monitoring of supervision measures under regulation 104 of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014<sup>(1)</sup> (“the Protocol No. 36 Regulations”) and a magistrates' court decides to recognise the decision on supervision measures under paragraph (5) of that regulation.

(3) Where, in the exercise of this regulation, a magistrates' court discharges a restraining order, it must immediately ensure that the competent authority of the issuing State and, where possible, the protected person are informed of the decision.

(4) In this regulation, “request for monitoring of supervision measures” is to be read in accordance with regulation 104(2) of the Protocol No. 36 Regulations.

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**Status:** *This is the original version (as it was originally made).*

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