

EXPLANATORY MEMORANDUM TO

The Attorney General's Human Rights Guidance (Domestic Abuse and Stalking) Order (Northern Ireland) 2018

SR 2018 No. 108

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the the Attorney General for Northern Ireland to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under the powers conferred by section 8(3)(c) of the Justice (Northern Ireland) Act 2004 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule brings into operation human rights guidance in respect of domestic abuse and stalking for the Police Service of Northern Ireland, the Public Prosecution Service for Northern Ireland, the Probation Board for Northern Ireland and the Northern Ireland Courts and Tribunals Service by the Attorney General for Northern Ireland on the exercise of functions in a manner consistent with international human rights standards.

3. Background

- 3.1. Section 8(1) of the Justice (Northern Ireland) Act 2004 obliges the Attorney General for Northern Ireland to issue guidance for criminal justice organisations on the exercise of their functions in a manner consistent with international human rights standards. This Statutory Rule brings into operation guidance for the Police Service of Northern Ireland, the Public Prosecution Service for Northern Ireland, the Probation Board for Northern Ireland and the Northern Ireland Courts and Tribunals Service as required by section 8(3)(c) of the 2004 Act.

4. Consultation

- 4.1. The Attorney General has consulted with the Advocate General pursuant to section 8(5A) of the Justice (Northern Ireland) Act 2004.

5. Equality Impact

- 5.1. The Attorney General for Northern Ireland is not listed as a public authority for the purposes of section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment is not required.

7. Financial Implications

- 7.1. Not applicable.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. It is the view of the Attorney General that this Statutory Rule is compliant with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. The Statutory Rule applies to Northern Ireland only. There is no corresponding Great Britain Statutory Instrument.

11. Additional Information

11.1. Not applicable.

ANNEX A

HUMAN RIGHTS GUIDANCE FOR THE
POLICE SERVICE FOR NORTHERN IRELAND, THE PUBLIC
PROSECUTION SERVICE, THE PROBATION BOARD FOR
NORTHERN IRELAND AND THE NORTHERN IRELAND COURTS
AND TRIBUNALS SERVICE

DOMESTIC ABUSE AND STALKING