

2023 No. 175

MAGISTRATES' COURTS

PROCEDURE

**The Magistrates' Courts (Stalking Protection Orders) Rules
(Northern Ireland) 2023**

Made - - - - 20th September 2023

*Coming into operation in accordance with Rule 1 19th
October 2023*

The Magistrates' Courts Rules Committee makes and the Department of Justice, after consultation with the Lady Chief Justice, allows the following Rules in exercise of the powers conferred by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(a).

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Stalking Protection Orders) Rules (Northern Ireland) 2023 and shall come into operation on the same day as section 7 of the Protection from Stalking Act (Northern Ireland) 2022(b).

(2) In these Rules—

- (a) “the Act” means the Protection from Stalking Act (Northern Ireland) 2022 and expressions used have the same meaning as in the Act;
- (b) a reference to a Form by number means the Form so numbered in the Schedule to these Rules or a form to like effect.

Stalking protection order and interim stalking protection order

2.—(1) A summons issued on foot of a complaint for —

- (a) a stalking protection order under section 7 of the Act; or
- (b) an interim stalking protection order under section 11 of the Act,

shall be in Form 1.

- (2) A stalking protection order shall be in Form 2.
- (3) An interim stalking protection order shall be in Form 3.

(a) S.I. 1981/1675 (N.I. 26); Article 13 was amended by paragraph 65 of Schedule 5 to the Constitutional Reform Act 2005 (c.4); paragraph 133 of Schedule 18 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976) and paragraph 4 of the Schedule to the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13).
(b) 2022 c. 17.

Application for variation, renewal or discharge

3. A summons issued on foot of a complaint for the variation, renewal or discharge of—

- (a) a stalking protection order under section 10 of the Act; or
- (b) an interim stalking protection order under section 11(7) of the Act,

shall be made in Form 4.

Service of Documents

4.—(1) Subject to paragraph (2), service of a summons under these Rules may be effected—

- (a) by a member of the Police Service of Northern Ireland serving a copy of the summons on the defendant in person; or
- (b) by sending a copy of the summons by ordinary post to the defendant at the defendant's last known address (in which case the summons shall be deemed to have been received by the defendant in the ordinary course of post, unless the defendant proves to the contrary).

(2) In the case of a summons on foot of a complaint for the variation, renewal or discharge of an order specified in Rule 3 issued by the defendant mentioned in that order, service shall be effected in accordance with paragraphs (2), (6) and (7) of Rule 11 of the Magistrates' Courts Rules (Northern Ireland) 1984(a) by delivering a copy of the summons to any police station and leaving a copy with the officer in charge or any other constable.

(3) Where the court makes a stalking protection order or an interim stalking protection order, the clerk of petty sessions shall serve a copy of that order on the defendant—

- (a) where the defendant is present, in person if practicable; or
- (b) by sending it by ordinary post to the defendant's last-known address (in which case the order shall be deemed to have been received by the defendant in the ordinary course of post unless the defendant proves to the contrary).

(4) Where the court makes an order varying, renewing or discharging an order specified in Rule 3, the clerk of petty sessions shall serve on the defendant a copy of the order as it has been varied, renewed or discharged—

- (a) where the defendant is present, in person if practicable; or
- (b) by sending it by ordinary post to the defendant at either the defendant's last known address or any address which is currently notified by the defendant under section 14 of the Act (in which case the order shall be deemed to have been received by the defendant in the ordinary course of post unless the defendant proves to the contrary).

(5) In paragraph (4), a reference to the defendant is a reference to the defendant in the proceedings in which the order was originally made.

*Nigel Broderick
Steven Keown
Tracey McCloskey
Debbie Maclam
John O'Neill*

Dated 20th September 2023

(a) S.R. 1984 No. 225; to which the most recent relevant amendment is S.R. 2016 No. 304.

In exercise of the powers conferred upon me by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981 and after consultation with the Lady Chief Justice, I allow these Rules.

Sealed with the Official Seal of the Department of Justice on 9th October 2023



Richard Pengelly CB
A senior officer of the Department of Justice

SCHEDULE

Form 1

Rule 2(1)

**PROTECTION FROM STALKING ACT (NORTHERN
IRELAND) 2022
(Sections 7, 11)**

**MAGISTRATES' COURTS (STALKING PROTECTION
ORDERS) RULES (NORTHERN IRELAND) 2023
(Rule 2(1))**

**Summons on foot of complaint for [stalking protection order] [and]
[interim stalking protection order]**

of

Complainant

of

Defendant

Whereas a complaint has been made before me in respect of an application for [a stalking protection order] [and] [an interim stalking protection order] to the following effect, viz—

The grounds on which this application is made are as follows—

That:

- (a) you have carried out acts associated with stalking;
- (b) you pose a risk associated with stalking to another person, and
- (c) there is reasonable cause to believe that the proposed order is necessary to protect another person from such risk

(Give reasons in support of the application)

Accordingly, application is made for [a stalking protection order] [and] [an interim stalking protection order] containing the following requirements and prohibitions, namely:

(insert)

THIS IS TO COMMAND YOU to appear as a defendant at the hearing of the said application at (place) on (date) at (time) before a court of summary jurisdiction.

This day of 20

[Lay Magistrate] [District Judge (Magistrates' Courts)]

To the said defendant

Note:

Where the court is satisfied that this summons was served on you within what appears to the court to be reasonable time before the hearing or adjourned hearing, it may proceed in your absence.

Should a stalking protection order / interim stalking protection order be made against you, you would be subject to the prohibitions and/or requirements made in it. You would be subject to the notification requirements of sections 14 and 15 of the Protection from Stalking Act (Northern Ireland) 2022. This would mean that:

- within 3 days beginning on the date on which the order comes into force, you must notify to the police your name(s) and home address;
- within 3 days of using a name which has not been notified to police, you must notify to the police that name; and
- within 3 days of a change of address, you must notify to the police the new home address.

Police Service of Northern Ireland Headquarters will be able to explain these requirements to you in more detail (in particular the information which you must bring with you when you make your initial notification) and tell you at which police station you should attend.

If, without reasonable excuse you do anything you are prohibited from doing or fail to do anything you are required to do by a stalking protection order or interim stalking protection order, or if you fail to comply with the notification requirements of sections 14 and 15 of the Protection from Stalking Act (Northern Ireland) 2022, you will be liable to imprisonment for a term not exceeding 6 months on summary conviction or 5 years on indictment. In both cases, a fine may be imposed in addition, or as an alternative, to imprisonment.

PROTECTION FROM STALKING ACT (NORTHERN IRELAND)
2022
(Section 7)

MAGISTRATES' COURTS (STALKING PROTECTION ORDERS)
RULES (NORTHERN IRELAND) 2023
(Rule 2(2))

Stalking Protection Order

of

Complainant

of

Defendant

It is adjudged that—

- (a) the defendant has carried out acts associated with stalking;
- (b) the defendant poses a risk associated with stalking to another person; and
- (c) a stalking protection order is necessary to protect another person from such a risk (whether or not the other person was a victim of the acts mentioned in paragraph (a)).

Short description of acts, including dates(s) and further comments:

IT IS ORDERED that the defendant (specify details of prohibitions and/or requirements imposed):

Until [date not less than 2 years beginning with the date of the order] or further order:

And while this order (as renewed from time to time) has effect, the defendant shall be subject to the notification requirements of sections 14 and 15 of the Protection from Stalking Act (Northern Ireland) 2022.

This day of 20

[Lay Magistrate] [District Judge (Magistrates' Courts)]

To the said defendant

Note:

You are subject to the prohibitions and/or requirements in this stalking protection order. You are subject also to the notification requirements of sections 14 and 15 of the Protection from Stalking Act (Northern Ireland) 2022. This means that:

- within 3 days of the date of this order, you must notify to the police your name(s) and home address;
- within 3 days of using a name which has not been notified to police, you must notify to the police that name; and
- within 3 days of a change of address, you must notify to the police the new home address.

Police Service of Northern Ireland Headquarters will be able to explain these requirements to you in more detail (in particular the information which you must bring with you when you make your initial notification) and tell you at which police station you should attend.

If, without reasonable excuse you do anything you are prohibited from doing or fail to do anything you are required to do by a stalking protection order or if you fail to comply with the notification requirements of sections 14 and 15 of the Protection from Stalking Act (Northern Ireland) 2022, you will be liable to imprisonment for a term not exceeding 6 months on summary conviction or 5 years on indictment. In both cases, a fine may be imposed in addition, or as an alternative, to imprisonment.

PROTECTION FROM STALKING ACT (NORTHERN IRELAND)
2022
(Section 11)

MAGISTRATES' COURTS (STALKING PROTECTION ORDERS)
RULES (NORTHERN IRELAND) 2023
(Rule 2(3))

Interim Stalking Protection Order

of

Complainant

of

Defendant

An application for a stalking protection order has been made by the complainant and that application has not yet been determined.

The Court considers it is appropriate to make an interim stalking protection order.

Short description of acts, including date(s) and further comments:

IT IS ORDERED that the defendant (specify details of prohibitions and/or requirements imposed):

From the date of service of this order until (insert date):

And while this order has effect, the defendant shall be subject to the notification requirements of sections 14 and 15 of the Protection from Stalking Act (Northern Ireland) 2022.

This day of 20

[Lay Magistrate] [District Judge (Magistrates' Courts)]

To the said defendant

Note:

You are subject to the prohibitions and/or requirements in this interim stalking protection order. You are subject also to the notification requirements of sections 14 and 15 of the Protection from Stalking Act (Northern Ireland) 2022. This means that:

- within 3 days of the date of this order, you must notify to the police your name(s) and home address;
- within 3 days of using a name which has not been notified to police you must notify to the police that name; and
- within 3 days of a change of address, you must notify to the police the new home address.

Police Service of Northern Ireland Headquarters will be able to explain these requirements to you in more detail (in particular the information which you must bring with you when you make your initial notification) and tell you at which police station you should attend.

If, without reasonable excuse you do anything you are prohibited from doing or fail to do anything you are required to do by this interim stalking protection order, or if you fail to comply with the notification requirements of sections 14 and 15 of the Protection from Stalking Act (Northern Ireland) 2022, you will be liable to imprisonment for a term not exceeding 6 months on summary conviction or 5 years on indictment. In both cases, a fine may be imposed in addition, or as an alternative, to imprisonment.

PROTECTION FROM STALKING ACT (NORTHERN IRELAND)
2022
(Sections 10, 11(7))

MAGISTRATES' COURTS (STALKING PROTECTION ORDERS)
RULES (NORTHERN IRELAND) 2023
(Rule 3)

Summons on foot of complaint for [variation][renewal][discharge] of [stalking protection order] [interim stalking protection order]

[Name]

Complainant

[Address]

[Name]

Defendant

[Address]

Whereas [a stalking protection order] [an interim stalking protection order] (a copy of which is attached to this summons) was made against the defendant mentioned in that order on the day of 20

And the complainant who was the [complainant] [defendant] in those proceedings now applies by complaint for the [variation] [renewal] [discharge] of the said order on the grounds that (specify grounds)

THIS IS TO COMMAND YOU to appear as a defendant at the hearing of the said application at (place) on (date) at (time) before a court of summary jurisdiction.

This day of 20

[Lay Magistrate] [District Judge (Magistrates' Courts)]

To the said defendant

”

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules contain provisions relating to sections 6 to 16 of the Protection from Stalking Act (Northern Ireland) 2022 (2022 c.17) which make provision in relation to stalking protection orders.

Rule 2 prescribes the procedure for an application for a stalking protection order and an interim stalking protection order.

Rule 3 prescribes the procedure for an application for variation, renewal or discharge of a stalking protection order or an interim stalking protection order.

Rule 4 prescribes the manner in which a summons or an order required to be served under these Rules may be served.

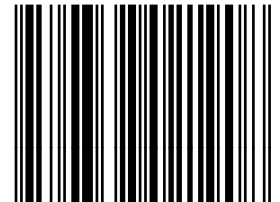
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