

These notes refer to the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (c.2)

EXPLANATORY NOTES

DOMESTIC ABUSE AND CIVIL PROCEEDINGS ACT (NORTHERN IRELAND) 2021

INTRODUCTION

BACKGROUND AND POLICY OBJECTIVES

OVERVIEW

PART 1, CHAPTER 1 – OFFENCE OF DOMESTIC ABUSE

PART 1, CHAPTER 2 – AGGRAVATION AS TO DOMESTIC ABUSE

PART 1, CHAPTER 3 – MISCELLANEOUS PROVISION

PART 2 – FAMILY AND CIVIL PROCEEDINGS FACTORS RELEVANT TO RESIDENCE AND CONTACT ORDERS

Prohibition of cross-examination in person

Rules of court on special measures directions in family and civil proceedings

COMMENTARY ON SECTIONS

PART 1, CHAPTER 1 – OFFENCE OF DOMESTIC ABUSE

Section 1: The domestic abuse offence

Section 2: What amounts to abusive behaviour

Section 3: Impact of behaviour on victim

Section 4: Meaning of behaviour etc.

Section 5: Meaning of personal connection

Section 6: Establishing connection by notice

Section 7: How notice is to be served

Section 8: Aggravation where victim is under 18

Section 9: Aggravation where relevant child is involved

Section 10: Behaviour occurring outside the UK

Section 11: Exception where responsibility for children

Section 12: Defence on the grounds of reasonableness

Section 13: Alternative available for conviction

Section 14: Penalty for the offence

PART 1, CHAPTER 2 – AGGRAVATION AS TO DOMESTIC ABUSE

Section 15: Aggravation as to domestic abuse

Section 16: What amounts to the aggravation

Section 17: Exception regarding the aggravation

Section 18: Meaning of personal connection

Section 19: Establishing connection by notice

Section 20: How notice is to be served

PART 1, CHAPTER 3 – MISCELLANEOUS PROVISION

Section 21: Meaning of ill-treatment etc. in offence provision

Section 22: No right to claim trial by jury

Section 23: Special measures directions

Section 24: Prohibition of cross-examination in person

Section 25: Meaning of offence involving domestic abuse etc.

Section 26: Information-sharing with schools etc.

Section 27: Protective measures for victims of abuse

Section 28: Eligibility of victims for civil legal aid

Section 29: Proposals as to availability of civil legal aid

Section 30: Guidance about domestic abuse

Section 31: Guidance on data collection

Section 32: Training within relevant bodies

Section 33: Independent oversight of this Part

Section 34: Report on the operation of this Part

PART 2 – PROVISION FOR CIVIL PROCEEDINGS

Section 35: Factors relevant to residence and contact orders

Section 36: Prohibition of cross-examination in person in family proceedings

Section 37: Special measures directions in family proceedings

Section 38: Prohibition of cross-examination in person in civil proceedings generally

Section 39: Special measures directions in civil proceedings generally

PART 3 – COMMENCEMENT AND SHORT TITLE

Section 40: Commencement

Section 41: Short title

HANSARD REPORTS