

These notes refer to the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (c.2) which received Royal Assent on 1 March 2021

Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021

EXPLANATORY NOTES

OVERVIEW

Part 1, Chapter 1 – Offence of Domestic Abuse

5. This gives effect to the intention to improve the operation of the justice system by creating an offence that recognises the experience of victims, the repetitive nature of abusive behaviour and the potential cumulative effect of domestic abuse.
6. It includes the creation of a new domestic abuse offence, two child aggravators associated with that offence, a statutory aggravation of domestic abuse associated with any other offence, a defence on the grounds of reasonableness, extra-territorial jurisdiction for the new offence, an exception where someone has parental responsibility for a child, alternative offences for conviction and a penalty for the new offence.
7. The Act will recognise in law that domestic abuse is often a course of behaviour which takes place over a period of time. The course of behaviour can consist of psychological and emotional abuse which either cannot be prosecuted or, at the very least, can be inherently challenging to prosecute under existing laws, as well as physical violence and threats which can be prosecuted under existing laws. The new domestic abuse offence will cover partners (including those in an intimate personal relationship), ex-partners and family members. For the purpose of this Explanatory Note these will be referred to as partner/connected person.
8. By enabling a range of domestic abuse incidents, which typically take place over a period of time, to be prosecuted as a single course of behaviour within a new offence, the criminal law will better reflect how victims actually experience such abuse. The Act will also ensure that a course of behaviour of entirely non-physical abuse of a person's partner/connected person is criminalised.
9. The Act recognises the adverse effect abuse can have on children by including aggravations which will apply to the domestic abuse offence where the victim is under 18 or where a child sees, hears or is present during an incident of abuse or they are used to abuse the connected person, or a reasonable person

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would consider the abusive behaviour to adversely affect the child – enabling the sentencing to be increased up to the maximum available.