

*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

COMMENTARY ON SECTIONS

Part 1, Chapter 1 – Offence of Domestic Abuse

Section 8: Aggravation where victim is under 18

This section provides that an allegation may be specified alongside the domestic abuse offence that it is aggravated because the accused's partner/connected person was under 18 at the time of any of the behaviour by virtue of which the offence is constituted. This could enable sentencing to be increased up to the maximum available.

Subsection (2) and (3) sets out that, where the charge together with the aggravation is proved, the court must state on conviction that it is aggravated and take the aggravation into account when determining the sentence, as a factor that increases the seriousness of the offence. The court is also required to state how the aggravation has affected the sentence and in recording the conviction show it as aggravated by reason of the partner/connected person being under 18.

Subsection (4) makes it clear that if the aggravation is not proved, but the charge is proved, conviction is as if the aggravation were not referred to alongside the charge.