

*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 2 – Provision for Civil Proceedings

Section 37: Special measures directions in family proceedings

Section 37 inserts new Articles 11K and 11L into the Family Law (Northern Ireland) Order 1993 to require rules of court for family proceedings to make specific provision for special measures for victims of domestic abuse. The section sets out the provision that rules of court must make.

Paragraph (1) of new Article 11K provides that rules of court must make provision to enable a court hearing family proceedings to make a special measures direction in relation to a party or witness (P) who is, or is at risk of, being subjected to abusive behaviour carried out by another party, a relative of a party (except P), or a witness, who is personally connected to P.

Paragraph (2) requires such court rules to provide for the court to consider, either on the application of a party, or of the court's own motion, whether one or more special measures directions should be made.

Paragraph (3) provides that the rules may also include provision about what factors the court is to take into account when considering whether a special measures direction should be made including but not limited to the availability of the special measures in question and any views expressed by P.

Paragraphs (4) and (5) define various meanings for the purposes of this Article.

New Article 11L provides that the Department of Justice may make regulations, which are to be subject to draft affirmative procedure, to amend the definition of 'family proceedings' in paragraph (5) of new Article 11K.