



2021 CHAPTER 2

PART 1

Domestic abuse: offence and aggravation

CHAPTER 1

Offence of domestic abuse

Applicable rules and penalty

Behaviour occurring outside the UK

10.—(1) If—

- (a) a person’s course of behaviour consists of or includes behaviour occurring in a country outside the United Kingdom,
- (b) the domestic abuse offence would be constituted by virtue of the course of behaviour if it occurred in Northern Ireland, and
- (c) the person is a United Kingdom national or is habitually resident in Northern Ireland,

the person commits the domestic abuse offence as if the course of behaviour occurred in Northern Ireland.

(2) In this section—

“country” includes territory,

“United Kingdom national” means an individual who is—

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,

- (b) a person who under the British Nationality Act 1981 is a British subject, or
- (c) a British protected person within the meaning of that Act.

Exception where responsibility for children

11. —(1) A person (“A”) does not commit the domestic abuse offence in relation to another person (“B”) by engaging in behaviour that is abusive of B at a time when—

- (a) B is under 16 years of age, and
- (b) A has responsibility for B.

(2) Section 36 of the Children and Young Persons Act (Northern Ireland) 1968 applies for the purposes of determining whether A has responsibility for B as it applies for the purposes of determining whether a person has responsibility for a child or young person within the meaning of that Act.

Defence on grounds of reasonableness

12.—(1) In proceedings in respect of a charge against a person (“A”) of the domestic abuse offence, it is a defence for A to show that the course of behaviour was reasonable in the particular circumstances.

- (2) That is shown if—
 - (a) evidence adduced is enough to raise an issue as to whether the course of behaviour is as described in subsection (1), and
 - (b) the prosecution does not prove beyond reasonable doubt that the course of behaviour is not as described in subsection (1).

Alternative available for conviction

13.—(1) In proceedings in respect of a charge against a person (“A”) of the domestic abuse offence, A may be convicted of an alternative offence if the facts proved against A—

- (a) do not amount to the domestic abuse offence, but
- (b) do amount to the alternative offence.

(2) For the purposes of subsection (1), the alternative offences are—

- (a) an offence under Article 4 of the Protection from Harassment (Northern Ireland) Order 1997 (harassment),
- (b) an offence under Article 6 of that Order (putting people in fear of violence).

(3) This section is without prejudice to section 6(2) of the Criminal Law Act (Northern Ireland) 1967 (alternative verdicts on trial on indictment).

Penalty for the offence

- 14.** A person who commits the domestic abuse offence is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both),
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years or a fine (or both).