



## 2021 CHAPTER 2

### PART 1

#### Domestic abuse: offence and aggravation

#### CHAPTER 3

#### Miscellaneous provision

#### *Guidance and operational matters*

#### **Guidance about domestic abuse**

- 30.**—(1) The Department of Justice must issue guidance about—
- (a) the effect of this Part, and
  - (b) such other matters as the Department considers appropriate as to criminal law or procedure relating to domestic abuse in Northern Ireland.
- (2) A person exercising public functions to whom guidance issued under this section relates must have regard to it in the exercise of those functions.
- (3) The Department of Justice must—
- (a) keep any guidance issued under this section under review, and
  - (b) revise any guidance issued under this section if the Department considers revision to be necessary in light of review.
- (4) The Department of Justice must publish any guidance issued or revised under this section.
- (5) Nothing in this section permits the Department of Justice to issue guidance to a court or tribunal.

**Guidance on data collection****31.—(1)** The Department of Justice—

- (a) may issue guidance to the relevant bodies about the sort of information which it seeks to obtain from them for the purpose of the assessment by it of the operation of this Part, and
- (b) must have regard to information which it obtains from the relevant bodies in relation to the operation of this Part when determining the steps (if any) that could be taken by it for the purpose of ensuring the effectiveness of the operation of this Part.

**(2)** The relevant bodies are—

- (a) the Police Service of Northern Ireland,
- (b) the Public Prosecution Service for Northern Ireland, and
- (c) such additional bodies as the Department considers appropriate.

**Training within relevant bodies****32.—(1)** Each of the following must provide such training on the effect of this Part as it considers appropriate for its personnel—

- (a) the Police Service of Northern Ireland,
- (b) the Public Prosecution Service for Northern Ireland,
- (c) any additional public body that has functions within the criminal justice system in Northern Ireland and which the Department of Justice specifies in connection with this section in regulations.

**(2)** The Department of Justice must provide such training on the effect of this Part as the Department considers appropriate for—

- (a) staff within the Northern Ireland Courts and Tribunal Service,
- (b) staff of any additional agency of the Department that has functions within the criminal justice system in Northern Ireland and which the Department selects in connection with this section.

**(3)** A body which must under this section provide training is to do so—

- (a) at least annually, and
- (b) as something to be undertaken as mandatory—
  - (i) by such of the relevant personnel or (as the case may be) staff as have responsibilities for dealing with cases involving domestic abuse, and
  - (ii) for the purpose of ensuring the effective discharge of their responsibilities in relation to such cases.

**(4)** The Department of Justice must—

- (a) publish a statement setting out information held or obtained by the Department about the level of participation by the relevant personnel or (as the case may be) staff in training provided by a body in accordance with this section, and
  - (b) do so—
    - (i) before the end of the period of 18 months beginning with the day on which Chapters 1 and 2 come into operation, and
    - (ii) annually thereafter.
- (5) Regulations under this section are subject to negative resolution.

### **Independent oversight of this Part**

**33.—(1)** The Department of Justice must appoint a person—

- (a) to—
    - (i) report to the Department on the person's assessment of the effectiveness of this Part, and
    - (ii) make recommendations to the Department in relation to the operation of this Part, and
  - (b) to advise, and make recommendations to, the Department on the content and review of guidance under section 30.
- (2) A report under this section must be completed—
- (a) before the end of the period of 2 years beginning with the day on which Chapters 1 and 2 come into operation, and
  - (b) annually thereafter.
- (3) A report under this section—
- (a) must be sent to the Department of Justice by the person appointed as soon as practicable after the report is completed, and
  - (b) must be—
    - (i) laid before the Assembly by the Department, and
    - (ii) published by the Department,as soon as practicable after the report is received by the Department from the person appointed.
- (4) An appointment under this section is for the person appointed to act independently of the Department of Justice.
- (5) The first appointment under this section must be made before the end of the period of 1 year beginning with the day on which this Act receives Royal Assent.
- (6) The preceding subsections of this section cease to have effect at such time, which must not be before the end of the period of 7 years beginning with the day

on which Chapters 1 and 2 come into operation, as the Department of Justice may by regulations specify.

(7) Regulations under this section are subject to negative resolution.

### **Report on the operation of this Part**

**34.—**(1) The Department of Justice must prepare a report, covering the reporting period, in relation to the following categories of offence—

- (a) an offence under section 1 (including as alleged to be aggravated as referred to in section 8 or 9),
- (b) an offence of any kind that is alleged to be aggravated as referred to in section 15.

(2) A report under this section must set out this information—

- (a) the number of—
  - (i) offences under section 1 as recorded by the Police Service of Northern Ireland on the basis of allegations made to them (including as recorded by reference to police districts),
  - (ii) files submitted by the Police Service to the Public Prosecution Service for Northern Ireland in respect of offences within each of the categories,
  - (iii) cases prosecuted by the Public Prosecution Service for offences within each of the categories,
  - (iv) convictions in cases prosecuted by the Public Prosecution Service for offences within each of the categories (particularly where such offences are proved to be aggravated as referred to in section 8 or 9 or (as the case may be) in section 15),
- (b) the average length of time, for offences within the categories as a whole—
  - (i) from recording of cases by the Police Service on the basis of allegations made to them,
  - (ii) to disposal of cases at court (disregarding appeal processes).

(3) A report under this section is to include, so far as available—

- (a) information about the level of participation by persons in training provided under section 32,
- (b) information about—
  - (i) how court business is arranged so as to ensure the efficient disposal of cases for offences within the categories as a whole,
  - (ii) the experience at court of witnesses (including witnesses who are children) in cases for offences within the categories as a whole.

(4) A report under this section is to include, in addition—

- (a) any views that the Department of Justice considers appropriate to give in relation to the operation of this Part (including the Department's assessment of the effectiveness of this Part),
- (b) information about—
  - (i) any issuing, review or revision of guidance by the Department under section 30,
  - (ii) any steps taken by the Department for raising public awareness (particularly awareness of victims) of matters relating to domestic abuse in Northern Ireland,
  - (iii) any activities undertaken by the Department in supporting the operation of this Part,
  - (iv) any further things that the Department considers appropriate.
- (5) A report under this section must be—
  - (a) laid before the Assembly by the Department of Justice, and
  - (b) published by the Department,as soon as practicable after the report is completed by the time and in the form determined by the Department.
- (6) As for the reporting period—
  - (a) the first reporting period is the period, of not less than 2 years and not more than 3 years beginning with the day on which Chapters 1 and 2 come into operation, determined by the Department of Justice,
  - (b) each subsequent reporting period is the period of 3 years coming after the previous reporting period.
- (7) The preceding subsections of this section cease to have effect at such time, which must not be before the end of the period of 10 years beginning with the day on which Chapters 1 and 2 come into operation, as the Department of Justice may by regulations specify.
- (8) Regulations under this section are subject to negative resolution.