



2021 CHAPTER 2

PART 1

Domestic abuse: offence and aggravation

CHAPTER 3

Miscellaneous provision

Information-sharing and victim protection

Information-sharing with schools etc.

26.—(1) The Department of Justice may by regulations make provision—

- (a) enabling or requiring a relevant person to inform a designated person in relation to an education provider of an incident of domestic abuse concerning a child who is a pupil or a student of the education provider,
- (b) for the purpose of or in connection with functions exercisable by a relevant person or a designated person accordingly.

(2) Here—

- (a) a relevant person is a person of a description (or acting in a particular capacity) specified in regulations under this section,
- (b) a designated person in relation to an education provider is a person of a description (or acting in a particular capacity) specified in regulations under this section,
- (c) an education provider is—
 - (i) a school or a college,

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- (ii) a non-school body which provides pre-school education (or any facility or setting at which pre-school education is provided), or
 - (iii) any other body or facility which provides education or training of any kind (or any facility or setting at which education or training of any kind is provided),
- (d) an incident is one whether alleged or proved,
- (e) a child is a person under 18 years of age.
- (3) A relevant person, as may be referred to in regulations under this section, must be a person who has functions of a public nature.
- (4) Regulations under this section may include provision—
 - (a) describing what is to be regarded as an incident of domestic abuse concerning a child,
 - (b) concerning—
 - (i) pupils or students generally, or particular categories of pupil or student,
 - (ii) education providers generally, or particular categories of provider (or particular facilities or settings within different categories),
 - (c) stating who is to be regarded as a pupil or a student of an education provider,
 - (d) setting out circumstances in or reasons for which—
 - (i) a relevant person may or must give information to a designated person or a designated person may or must give information to a relevant person,
 - (ii) a different person (including of a description specified) may or must give information to a relevant person or a designated person,
 - (e) with respect to information—
 - (i) regulating or limiting the use or disclosure of information by a relevant person or a designated person,
 - (ii) specifying offences and penalties for unauthorised use or disclosure of information.
- (5) Regulations under this section may include provision involving such further matters as the Department of Justice considers appropriate.
- (6) Regulations under this section may include provision amending statutory provisions (as construed in accordance with section 1(f) of the Interpretation Act (Northern Ireland) 1954).
- (7) Regulations under this section may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.

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Commencement Information

II S. 26 in operation at 21.2.2022 by S.R. 2022/57, art. 2(z)

Protective measures for victims of abuse

27.—(1) The Department of Justice may by regulations make provision—

- (a) enabling or requiring steps to be taken or measures to be imposed for protecting a person from abusive behaviour,
- (b) for the purpose of or in connection with such steps or measures for protecting a person from abusive behaviour.

(2) Steps or measures which may be provided for in regulations under this section are not limited to notices or orders as referred to in this section (and nothing in the following subsections of this section is to the prejudice of the generality of what may be provided for in regulations under this section).

(3) Protecting a person from abusive behaviour is—

- (a) protecting a person from abusive behaviour perpetrated by someone to whom the person is personally connected, or
- (b) protecting a person from risk of abusive behaviour perpetrated by someone to whom the person is personally connected.

(4) What amounts to abusive behaviour is to be construed, or whether two people are personally connected to each other is to be determined, in the same way as is provided for in Chapter 1.

(5) Regulations under this section—

- (a) may include provision to the effect that steps or measures are available on the basis of alleged as well as proven behaviour,
- (b) must include provision to the effect that steps or measures—
 - (i) are for protecting persons who are at least 16 years of age, and
 - (ii) are to apply in relation to perpetrators or alleged perpetrators of abusive behaviour who are at least 18 years of age.

(6) Regulations under this section may include provision—

- (a) about the giving of notices to perpetrators or alleged perpetrators of abusive behaviour (or for review or withdrawal of notices) by a police officer,
- (b) setting out grounds for giving notices, conditions to be met before notices may be given or circumstances in which notices may be given (including matters to be taken into account before notices are given),
- (c) setting out—

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- (i) what requirements, including restrictions or prohibitions, may be imposed by notices (and for how long and as to which places),
 - (ii) information to be included in notices,
 - (d) allowing notices to impose requirements relating to, as well as relating to persons for whose protection notices are given, children of or residing with persons for whose protection notices are given.
- (7) Regulations under this section may include provision—
- (a) about the making of orders against perpetrators or alleged perpetrators of abusive behaviour (including orders extending, varying or revoking previous orders) by a court,
 - (b) setting out grounds for making orders, conditions to be met before orders may be made or circumstances in which orders may be made (including matters to be taken into account before orders are made),
 - (c) setting out—
 - (i) what requirements, including restrictions or prohibitions, may be imposed by orders,
 - (ii) conditions to be met for imposing electronic monitoring requirements in orders,
 - (d) allowing orders to impose requirements relating to, as well as relating to persons for whose protection orders are made, children of or residing with persons for whose protection orders are made,
 - (e) allowing orders—
 - (i) to apply for specific periods (or to have temporary effect),
 - (ii) to apply generally or to be expressly limited to particular localities,
 - (f) specifying—
 - (i) who may make applications for orders, whether notification of applications is required or circumstances in which applications may or must be made,
 - (ii) proceedings in which orders may be made or circumstances in which applications need not be made in such proceedings,
 - (g) in relation to proceedings as to orders—
 - (i) prescribing rules of procedure to be followed,
 - (ii) stating what evidence may be heard or must be considered,
 - (iii) making special measures available for the benefit of witnesses,
 - (iv) deeming proceedings to be either civil or criminal proceedings,
 - (h) enabling—

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- (i) rules of court, county court rules or magistrates' courts rules to make provision for procedures in relation to orders (so far as other powers to make rules cannot be relied on for this),
 - (ii) appeals to be made to a court against the making of orders or against decisions not to make orders (and for appeals to be final).
- (8) Regulations under this section may include provision—
 - (a) imposing notification requirements on persons subject to orders,
 - (b) conferring on police officers powers exercisable in particular circumstances to take samples or images from or of persons believed by them to be subject to such notification requirements.
- (9) Regulations under this section may include provision to the effect that—
 - (a) persons who are subject to orders that are not expressly limited to particular localities must comply with such orders—
 - (i) in all parts of the United Kingdom,
 - (ii) outside the United Kingdom if particular conditions in relation to having a residential connection with Northern Ireland, or being a national of the United Kingdom, are met,
 - (b) every other provision in such regulations, particularly with respect to breaches of orders, applies accordingly.
- (10) Regulations under this section may include provision—
 - (a) conferring on police officers powers of arrest exercisable with a warrant or powers of arrest exercisable without a warrant—
 - (i) in relation to breaches or suspected breaches of notices,
 - (ii) in relation to breaches or suspected breaches of orders,
 - (b) requiring persons arrested for breaches or suspected breaches of notices or orders to be brought before a court within specified time limits,
 - (c) authorising persons arrested for breaches or suspected breaches of notices or orders to be detained in custody (pending being brought before a court)—
 - (i) in specified circumstances,
 - (ii) for periods not exceeding specified limits,
 - (d) authorising persons brought before a court in relation to breaches or suspected breaches of notices or orders to be remanded in custody or granted bail (with or without conditions attached)—
 - (i) in specified circumstances,
 - (ii) for periods not exceeding specified limits,
 - (e) specifying offences and penalties—

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- (i) for breaches of notices or for breaches of orders,
 - (ii) for breaches of notification requirements by persons subject to notices or orders.
- (11) Regulations under this section may include provision regulating or limiting the use of, or controlling or requiring the retention or destruction of, samples or images taken from or of persons under such regulations.
- (12) Regulations under this section may include provision—
- (a) for the Department of Justice to—
 - (i) issue or publish guidance about the exercise of functions under such regulations (except judicial functions),
 - (ii) keep such guidance under review or revise such guidance in light of review,
 - (b) specifying who is to have regard to such guidance when issued or published or circumstances in which regard is to be had to such guidance.
- (13) Regulations under this section may include provision involving such further matters as the Department of Justice considers appropriate.
- (14) Regulations under this section may include provision amending statutory provisions (as construed in accordance with section 1(f) of the Interpretation Act (Northern Ireland) 1954).
- (15) A draft of regulations under this section must be laid before the Assembly no later than the end of the period of 2 years beginning with the day on which Chapters 1 and 2 come into operation.
- (16) Regulations under this section may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Assembly.

Commencement Information

I2 S. 27 in operation at 21.2.2022 by S.R. 2022/57, art. 2(aa)

Changes to legislation:

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