



2021 CHAPTER 2

PART 2

Provision for civil proceedings

Residence and contact orders

Factors relevant to residence and contact orders

35 In the Children (Northern Ireland) Order 1995, in Article 12A (residence and contact orders and domestic violence)—

(a) in paragraph (1), after “in favour of” insert “—

(a) any person, the court shall have regard to any conviction of the person for a domestic abuse offence involving the child,

(b)”,

(b) after paragraph (1) insert—

“(1A) For the purposes of paragraph (1)(a), a domestic abuse offence involving the child is—

(a) an offence under section 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 if—

(i) the offence is aggravated as provided for in section 9 of that Act, and

(ii) the aggravation of the offence relates to the child, or

(b) an offence of any kind (apart from one under section 1 of that Act) if—

Changes to legislation: There are currently no known outstanding effects for the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021, Section 35. (See end of Document for details)

- (i) the offence is aggravated as provided for in section 15 of that Act, and
- (ii) the child is not the person against whom the offence was committed but the aggravation of the offence relates to the child.”,
- (c) in paragraph (2), for “paragraph (1)” substitute “ paragraph (1)(b) ”,
- (d) in paragraph (3), after “Article 3” insert “ (and in that paragraph neither sub-paragraph limits the effect of the other sub-paragraph) ”.

Commencement Information

II [S. 35](#) in operation at 21.2.2022 by [S.R. 2022/57](#), [art. 2\(ff\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021, Section 35.