



## 2022 CHAPTER 17

### *Operational matters*

#### **Guidance**

- 17.—(1) The Department must issue guidance about—
- (a) the effect of this Act,
  - (b) such other matters as the Department considers appropriate as to criminal law or procedure relating to stalking in Northern Ireland, and
  - (c) the exercise of the Chief Constable's functions under the provisions of this Act relating to stalking protection orders or interim stalking protection orders.
- (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 may, from time to time, revise the guidance issued under subsection (1).
- (4) The Department 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.
- (5) The Department must arrange for any guidance issued or revised under this section to be published in such manner as the Department considers appropriate.
- (6) The Department must lay before the Assembly any guidance issued or revised under this section.

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(7) Nothing in this section permits the Department to issue guidance to a court or tribunal.

**Commencement Information**

- I1** S. 17 not in operation at Royal Assent, see [s. 22\(2\)](#)  
**I2** S. 17 in operation at 19.10.2023 by [S.R. 2023/174](#), [art. 2](#)

**Guidance on data collection**

**18.—**(1) The Department—

- (a) may issue guidance to the listed bodies, or any additional bodies the Department considers appropriate, about the sort of information it seeks to obtain from them for the purpose of the assessment by it of the operation of this Act, and
- (b) must have regard to relevant information it obtains from the listed bodies, or from any additional bodies to whom such guidance is issued, in relation to the operation of this Act when determining the steps (if any) that could be taken by it for the purpose of ensuring the effectiveness of the operation of this Act.

(2) The listed bodies are—

- (a) the Police Service of Northern Ireland, and
- (b) the Public Prosecution Service for Northern Ireland.

**Commencement Information**

- I3** S. 18 in operation at 27.4.2022, see [s. 22\(1\)](#)

**Training**

**19.—**(1) It is mandatory for each listed authority, and each specified authority, to provide for those of its relevant personnel who have responsibilities for dealing with cases under this Act—

- (a) such initial training, and
- (b) such annual or other top-up training,

as the authority considers appropriate for the purpose of the effective discharge by those personnel of their respective responsibilities.

(2) The Chief Constable is a listed authority, and the Chief Constable’s “relevant personnel” are the personnel of the Police Service of Northern Ireland.

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(3) The Director of Public Prosecutions for Northern Ireland is a listed authority, and the Director’s “relevant personnel” are the personnel of the Public Prosecution Service for Northern Ireland.

(4) The Department is a listed authority, and the Department’s “relevant personnel” are—

- (a) staff within the Northern Ireland Courts and Tribunal Service, and
- (b) staff within any additional agency of the Department that has functions in relation to cases under this Act and that the Department selects in connection with this subsection.

(5) The Department must publish a statement detailing the level of participation by relevant personnel in training provided under subsection (1)—

- (a) before the end of the period of 18 months beginning with the day on which this Act receives Royal Assent, and
- (b) thereafter within each period of 12 months beginning with the day on which the last statement was published.

(6) A “specified authority” is a person that—

- (a) has functions in relation to cases under this Act, and
- (b) is specified in connection with this section in regulations made by the Department;

and a specified authority’s “relevant personnel” are persons of a description specified in regulations made by the Department.

(7) Regulations under subsection (6) are subject to negative resolution.

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**Commencement Information**

**I4** S. 19 in operation at 27.4.2022, see [s. 22\(1\)](#)

**Report on the operation of this Act**

**20.—**(1) The Department must prepare a report for each reporting period giving the information in subsections (2) to (5) (so far as available to the Department).

(2) In relation to sections 1, 2 and 13 (offences), the information referred to in subsection (1) is —

- (a) the number of stalking incidents reported to the police (broken down by reference to each of sections 1, 2 and 13); and “stalking incident” here means an incident (including a course of conduct) which, as reported to the police, indicates that an offence may have been committed under section 1, 2, or 13,

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- (b) the number of crimes recorded by or on behalf of the police that are classified as an offence under section 1, 2 or 13 broken down by reference to each section,
  - (c) the numbers mentioned in paragraphs (a) and (b) broken down by reference to police districts,
  - (d) the number of files submitted by or on behalf of the police to the Public Prosecution Service for Northern Ireland in relation to offences under one or more of sections 1, 2 and 13,
  - (e) the number of cases prosecuted by the Public Prosecution Service for offences under one or more of sections 1, 2, and 13, and—
    - (i) the number of convictions in those cases,
    - (ii) the average length of time in those cases from recording of a crime by or on behalf of the police to disposal of the case at court (disregarding appeal processes), and
    - (iii) the number mentioned in sub-paragraph (i) broken down by reference to whether the conduct or behaviour concerned was engaged in by means of the internet—
      - (A) in a key way, or
      - (B) in some lesser but non-minimal way, or
      - (C) either minimally or not at all.
- (3) In relation to stalking protection orders the information referred to in subsection (1) is—
- (a) the number of stalking protection order incidents reported to the police; and “stalking protection order incident” here means an incident (including a course of conduct) which, as reported to the police, indicates that the Chief Constable may have grounds for applying for a stalking protection order against a person,
  - (b) the number of applications for stalking protection orders under section 7 and the number of orders made under section 8,
  - (c) the number of stalking protection orders—
    - (i) discharged before the end of the period of 2 years beginning with the day on which the order was made,
    - (ii) discharged at the end of the period of 2 years beginning with the day on which the order was made,
    - (iii) discharged after a period of more than 2 years beginning with the day on which the order was made,
  - (d) information on the number of applications seeking the—
    - (i) variation,

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- (ii) renewal, or
    - (iii) discharge,

of a stalking protection order broken down by reference to whether the application was made by the Chief Constable or the person against whom the order was made.
  - (e) information about the level of compliance with stalking protection orders and the requirements of sections 14 and 15 in relation to stalking protection orders.
- (4) In relation to interim stalking protection orders, the information referred to in subsection (1) is —
- (a) the number of applications for interim stalking protection orders under section 11 and the number of orders made,
  - (b) the average duration of interim stalking protection orders,
  - (c) the number of interim stalking protection orders which cease to have effect as a result of a stalking protection order being made on the main application,
  - (d) information on the number of applications seeking the—
    - (i) variation,
    - (ii) renewal, or
    - (iii) discharge,

of an interim stalking protection order broken down by reference to whether the application was made by the Chief Constable or the person against whom the order was made.
  - (e) information about the level of compliance with interim stalking protection orders and the requirements of sections 14 and 15 in relation to interim stalking protection orders.
- (5) The information referred to in subsection (1) also includes—
- (a) information about the level of participation, by persons for whom section 19 requires training to be provided, in the required training provided for them,
  - (b) information about how court business is arranged so as to ensure the efficient disposal of—
    - (i) cases under sections 1, 2 and 13, and
    - (ii) applications for stalking protection orders and applications for interim stalking protection orders,
  - (c) information about the experience at court of witnesses (including witnesses who are children) —
    - (i) in cases under sections 1, 2 and 13, and

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- (ii) in applications for stalking protection orders and applications for interim stalking protection orders,  
but for the purposes of this paragraph a witness does not include the accused or a person against whom an order is sought.
  - (d) information about any issuing, review or revision of guidance under section 17 or 18,
  - (e) any views or assessment that the Department considers it appropriate to give in relation to the operation of this Act or its effectiveness,
  - (f) information about any steps taken by the Department for raising public awareness of the behaviours addressed by this Act (including, in particular, awareness amongst persons targeted, or harmed or otherwise victimised, by the behaviours),
  - (g) information about any activities undertaken by the Department in supporting the operation of this Act, and
  - (h) any further information the Department considers appropriate.
- (6) For the purposes of subsection (1)—
- (a) the first reporting period—
    - (i) begins on the day on which this Act receives Royal Assent, and
    - (ii) is of such length, at least 2 years and not more than 3 years, as the Department determines, and
  - (b) each subsequent reporting period is the 3 years beginning with the end of the previous reporting period.
- (7) The Department must publish each report under this section as soon as practicable after completion of the report.
- (8) The Department must lay before the Assembly each report under this section.
- (9) The duty under subsection (1) does not apply to reporting periods ending after such time as the Department may by regulations specify, but a time may not be specified if it is earlier than the end of 10 years beginning with the day on which this Act receives Royal Assent.
- (10) Regulations under subsection (9) are subject to negative resolution.

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**Commencement Information**

**I5** S. 20 in operation at 27.4.2022, see [s. 22\(1\)](#)

**Changes to legislation:**

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