

2022 No. 57 (C. 7)

DOMESTIC ABUSE

The Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (Commencement No. 1) Order (Northern Ireland) 2022

Made - - - -

18th February 2022

The Department of Justice, in exercise of the powers conferred by section 40(4) of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021(a), makes the following Order.

Citation and interpretation

1.—(1) This Order may be cited as the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (Commencement No. 1) Order (Northern Ireland) 2022.

(2) In this Order “the 2021 Act” means the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021.

Appointed Day

2. The day appointed for the coming into operation of the following provisions of the 2021 Act is 21st February 2022—

- (a) Section 1 (The domestic abuse offence);
- (b) Section 2 (What amounts to abusive behaviour);
- (c) Section 3 (Impact of behaviour on victim);
- (d) Section 4 (Meaning of behaviour etc.);
- (e) Section 5 (Meaning of personal connection);
- (f) Section 6 (Establishing connection by notice);
- (g) Section 7 (How notice is to be served);
- (h) Section 8 (Aggravation where victim is under 18);
- (i) Section 9 (Aggravation where relevant child is involved);
- (j) Section 10 (Behaviour occurring outside the UK);
- (k) Section 11 (Exception where responsibility for children);
- (l) Section 12 (Defence on grounds of reasonableness);
- (m) Section 13 (Alternative available for conviction);
- (n) Section 14 (Penalty for the offence);
- (o) Section 15 (Aggravation as to domestic abuse);

- (p) Section 16 (What amounts to the aggravation);
- (q) Section 17 (Exception regarding the aggravation);
- (r) Section 18 (Meaning of personal connection);
- (s) Section 19 (Establishing connection by notice)
- (t) Section 20 (How notice is to be served);
- (u) Section 21 (Meaning of ill-treatment etc. in offence provision);
- (v) Section 22 (No right to claim trial by jury);
- (w) Section 23 (Special measures directions);
- (x) Section 24 (Prohibition of cross-examination in person);
- (y) Section 25 (Meaning of offence involving domestic abuse etc.);
- (z) Section 26 (Information-sharing with schools etc.);
- (aa) Section 27 (Protective measures for victims of abuse);
- (bb) Section 30 (Guidance about domestic abuse);
- (cc) Section 31 (Guidance on data collection);
- (dd) Section 32 (Training within relevant bodies);
- (ee) Section 34 (Report on the operation of this Part);
- (ff) Section 35 (Factors relevant to residence and contact orders);

Sealed with the Official Seal of the Department of Justice on 18th February 2022.



Naomi Long
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation Sections 1 to 27, 30 to 32 and 34 to 35 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (c. 2).

This provides for a new domestic abuse offence (including the behaviours and personal connection associated with this and how the connection is to be established), two child aggravators associated with that offence, a statutory aggravation of domestic abuse associated with any other offence (including what amounts to the aggravation, personal connection associated with this and how the connection is to be established), a defence on the grounds of reasonableness, extra-territorial jurisdiction for the new offence, an exception where someone has parental responsibility for a child, alternative offences for conviction and a penalty for the new offence. It also provides for an extension of the child cruelty offence. A number of measures are provided in relation to court, including prohibiting the right to claim trial by jury, automatic eligibility for consideration of special measures at court and prohibiting cross-examination by the accused. Provision is also made in relation to information sharing with schools where there has been an incident of domestic abuse, guidance related to domestic abuse and data collection, training that is to be provided and reporting on the operation of the Act.

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