



Domestic Violence, Crime and Victims Act 2004

2004 CHAPTER 28

PART 2

CRIMINAL JUSTICE

Assault, harassment etc

13 Restraining orders: Northern Ireland

- (1) In Article 7 of the Protection from Harassment (Northern Ireland) Order 1997 (S.I. 1997/1180 (N.I. 9)) (power to make restraining order where defendant convicted of offence under Article 4 or 6 of that Order), in paragraph (1) omit “under Article 4 or 6”.
- (2) After paragraph (3) of that Article insert—
 - “(3A) In proceedings under this Article both the prosecution and the defence may lead, as further evidence, any evidence that would be admissible in proceedings for an injunction under Article 5.”
- (3) After paragraph (4) of that Article insert—
 - “(4A) Any person mentioned in the order is entitled to be heard on the hearing of an application under paragraph (4).”
- (4) After paragraph (6) of that Article insert—
 - “(7) A court dealing with a person for an offence under this Article may vary or discharge the order in question by a further order.”
- (5) After that Article insert—

Changes to legislation: Domestic Violence, Crime and Victims Act 2004, Section 13 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

“7A Restraining orders on acquittal

- (1) A court before which a person (“the defendant”) is acquitted of an offence may, if it considers it necessary to do so to protect a person from harassment by the defendant, make an order prohibiting the defendant from doing anything described in the order.
- (2) Paragraphs (3) to (7) of Article 7 apply to an order under this Article as they apply to an order under that one.
- (3) Where the Court of Appeal allow an appeal against conviction they may remit the case to the Crown Court to consider whether to proceed under this Article.
- (4) Where—
 - (a) a county court allows an appeal against conviction, or
 - (b) a case is remitted to the Crown Court under paragraph (3),the reference in paragraph (1) to a court before which a person is acquitted of an offence is to be read as referring to that court.
- (5) A person made subject to an order under this Article has the same right of appeal against the order as if—
 - (a) he had been convicted of the offence in question before the court which made the order, and
 - (b) the order had been made under Article 7.”

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 9 para. 26A inserted by [2015 c. 2 Sch. 3 para. 12](#)