



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—

“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.”