EXPLANATORY MEMORANDUM TO

The Magistrates Courts (Stalking Protection Orders) Rules (Northern Ireland) 2023

SR 2023 No.175

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (detailed above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981 and is subject to the negative resolution procedure.

2. Purpose

2.1. These Rules allows for the court procedure in relation to the operation of Stalking Protection Orders (SPOs), which come into operation on 19 October 2023.

3. Background

3.1. The Protection from Stalking Act (NI) 2022 received Royal Assent on 26 April 2022. Provisions to create SPOs are included at sections 6 to 16 Act.

3.2. SPOs provide immediate protection to a person at risk of stalking. They enable early police intervention pre-conviction to address and potentially disrupt stalking behaviours, before they become entrenched or escalate in severity, and to protect victims from more serious harm.

3.3. This SR for the magistrates' court rules allows police to apply to the magistrates' court for an SPO if it appears that a person has carried out acts associated with stalking; poses a risk associated with stalking to another person; and there is reasonable cause to believe the SPO is necessary to protect another person from such risk.

3.4. Police will apply for the orders, taking the onus away from the victim, and orders will also be available for respondents under the age of 18 (applications for which will be heard in a youth court).

4. Consultation

4.1 The Department launched a public consultation "Stalking – A Serious Concern" in 2018. Consultation responses indicated strong support for Stalking Protection Orders to be introduced in Northern Ireland. These rules facilitate the technical court processes in relation to SPOs.

5. Equality Impact

5.1 The proposed changes have been the subject of an equality screening exercise. We believe the introduction of these new arrangements will be beneficial and will have no adverse effect in section 75 terms.

6. Regulatory Impact

6.1 Not applicable

7. Financial Implications

7.1 Not applicable

8. Section 24 of the Northern Ireland Act 1998

8.1 The proposal is considered to be compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

Not applicable

10. Parity or Replicatory Measure

10.1 Not applicable

11. Additional Information

11.1 Not applicable.