



2021 CHAPTER 2

PART 1

Domestic abuse: offence and aggravation

CHAPTER 3

Miscellaneous provision

Criminal cases involving domestic abuse

Meaning of offence involving domestic abuse etc.

25.—(1) The Criminal Evidence (Northern Ireland) Order 1999 is amended as follows (in connection with sections 23 and 24).

(2) In Article 2(2) (interpretation), in the definition of “the complainant”, after “committed” insert “ (but see also Article 3A(2) to (5)) ”.

(3) After Article 3 insert—

“Meaning of offence involving domestic abuse” etc.

3A.—(1) In this Order, “offence involving domestic abuse” means—

- (a) an offence under section 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (the domestic abuse offence),
- (b) an offence of any kind in respect of which there is specification in accordance with section 15 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 that the offence is aggravated by reason of involving domestic abuse.

Changes to legislation: *There are currently no known outstanding effects for the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021, Section 25. (See end of Document for details)*

(2) In this Order, “the complainant”, in relation to an offence (or alleged offence) falling within paragraph (1)(b) means a person in respect of whom the prosecutor gives notice to the court asserting that—

- (a) the offence is so aggravated in relation to the person, and
- (b) the accused was personally connected to the person at the time.

(3) A reference to a person in paragraph (2) is not limited to someone against or in relation to whom the offence was (or is alleged to have been) committed.

(4) Paragraph (2) does not, where in any case—

- (a) notice as referred to in that paragraph is given, and
- (b) the offence is also mentioned in Article 3,

prevent someone else from additionally being the complainant in relation to the offence within the meaning of Article 2(2).

(5) Article 2(2), but not paragraph (2), determines who the complainant is in relation to the offence where no notice as referred to in that paragraph is given in the case.”.

Commencement Information

II S. 25 in operation at 21.2.2022 by S.R. 2022/57, art. 2(y)

Changes to legislation:

There are currently no known outstanding effects for the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021, Section 25.