

*These notes refer to the Protection from Stalking Act (Northern Ireland) 2022 (c.17) which received Royal Assent on 26 April 2022*

# Protection from Stalking Act (Northern Ireland) 2022

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 6 to 17 – Stalking Protection Orders***

##### ***Section 8 - Power to make orders***

This section sets out the powers of the court to make a stalking protection order; the grounds on which the court may make an order and what may be included in the terms of an order.

Subsection (2) requires that the court must be satisfied that the defendant has carried out acts associated with stalking; that they pose a risk of stalking to another person; and that each of the prohibitions and requirements included within the terms of the order is necessary in order to protect another person from that risk.

Subsection (2) (c) provides that the individual to be protected by the order does not have to have been the victim of the acts associated with stalking which provide the grounds for the application. This scenario could for example arise if a perpetrator is stalking other people connected to that individual (such as family members, friends, or co-workers), knowing that this behaviour will impact on the individual who is the principal subject of the stalking acts.

This is known as ‘stalking by proxy’.

This also covers other scenarios too, for example, a stalker may be known to target unconnected victims who fit a particular description.

Subsection (4) provides that any prohibitions or requirements included within the terms of the order (if deemed necessary as defined in subsection (3)) must, so far as is practicable, avoid conflict with the defendant’s religious beliefs, or their work or educational obligations.

The intention of this subsection is to ensure that the terms of the order are, among other things proportionate.

This is also designed to enable workability of orders and to avoid conflict with ECHR rights.

Subsection (5) applies when an order is being made in relation to a defendant who is already the subject of another stalking protection order. This scenario could arise, for example, in the case of a serial stalker who is stalking multiple victims. The subsection provides that the terms of the different orders must not contradict each other. For example, the new order cannot require the defendant to attend a perpetrator intervention programme at a location which the earlier order prohibits them from entering.

Subsection (6) provides that the defendant must comply with a prohibition or requirement in all parts of the United Kingdom, unless it is expressly limited to a particular locality. If the defendant lives in NI or was resident in NI when the order was made, or is a UK national then they must comply with any prohibition or requirement in the order, everywhere outside the UK.

For example, any prohibition in the order that prohibits any form of contact with the victim must be complied with even if the defendant was to travel outside NI or the UK.