

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 13 - Offence of breaching order

This section provides that it is a criminal offence to breach the terms of an order or an interim order without reasonable excuse. It will be for a court to decide what constitutes a reasonable excuse in a particular case.

Subsection (2) makes it clear that the offence of breaching an order, although it is an offence under the law of Northern Ireland that can be prosecuted only in the courts of Northern Ireland, covers non-compliance at any place outside Northern Ireland where the order was to be complied with.

Subsection (3) provides the penalty for the offence of breaching a stalking protection order or interim stalking protection order.

The maximum penalty on summary conviction (heard in a magistrates' court) is 6 months imprisonment or a fine not exceeding the statutory maximum (£5,000) or both. The maximum penalty on conviction on indictment (heard in a crown court) is 5 years imprisonment or a fine, or both.

Subsection (4) means that whether an offence of breaching a stalking protection order (or interim order) is dealt with by a youth court depends on the defendant's age at the time of the prosecution. It ensures that an adult will not be prosecuted in a youth court just because the order they are accused of breaching was made by a youth court when they were a young person.