
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2022 No.

**The Domestic Abuse Information-sharing with
Schools etc. Regulations (Northern Ireland) 2022**

Meaning of incident of domestic abuse concerning a child

4.—(1) An incident of domestic abuse concerning a child means any incident (including a potential incident) involving domestic abuse where the five listed conditions set out at paragraph (2) are met.

(2) The listed conditions are that—

- (a) a person (“A”) may have engaged in abusive behaviour of another person (“B”);
- (b) a reasonable person would consider such behaviour to be likely to cause B to suffer physical or psychological harm;
- (c) A, having engaged in that behaviour—
 - (i) may have intended to cause B to suffer physical or psychological harm, or
 - (ii) may have been reckless as to whether or not B would suffer physical or psychological harm;
- (d) A and B are personally connected to each other at the time; and
- (e) the incident concerns a child.

(3) For the purposes of paragraphs (2)(a) to (c) it is irrelevant whether or not the behaviour in question—

- (a) was actually carried out against B;
- (b) actually caused B to suffer harm of the relevant sort; or
- (c) resulted in a charge, summons or the commission of an offence involving A and B.

(4) For the purposes of paragraph (2)(d) personally connected shall be construed in accordance with section 5 of the Act.

(5) For the purposes of paragraph (2)(e) an incident concerns a child if—

- (a) A is a child (unless A has parental responsibility for B and B is under 16 years of age);
- (b) B is a child (unless A has parental responsibility for B and B is under 16 years of age);
- (c) A directed, or threatened to direct, behaviour at a child who is not B;
- (d) A made use of a child in directing behaviour at B;
- (e) a child who is not A or B saw, heard, or was present at the time of the incident during which A directed behaviour at B; or
- (f) a reasonable person would consider the behaviour to be likely to adversely affect a child, except where that child has parental responsibility in the circumstances outlined in sub paragraph (a) or is under 16 years of age in the circumstances outlined in sub paragraph (b).

(6) For the purposes of paragraph (5)(c) to (f) there does not need to be evidence that a child—

- (a) has ever had any awareness or understanding of A’s behaviour, or

(b) has ever been adversely affected by A's behaviour.