

## **EXPLANATORY MEMORANDUM TO**

### **The Magistrates' Courts (Domestic Proceedings) (Amendment) Rules (Northern Ireland) 2022**

**SR No. 255**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details 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 ("the 1981 Order") and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The Rules enable a magistrates' court hearing specified family proceedings to make a special measures direction in relation to a party or witness who is, or is at risk of, being subjected to abusive behaviour carried out by a party, a relative of another party, or a witness, who is personally connected to them. The Rules provide for a direction to be made by the court of its own motion, or on the application of a party, prescribe the measures the court may direct (evidence by live link or the use of screens) and factors to which a court must have particular regard when deciding whether to make a direction.

#### **3. Background**

- 3.1. The Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 includes provision to enhance the measures available to support victims of domestic abuse giving evidence in family proceedings. Section 37 amends the Family Law (Northern Ireland) Order 1993 to require court rules of procedure for family proceedings, including magistrates' courts rules, to make specific provision in relation to special measures for victims of domestic abuse.

#### **4. Consultation**

- 4.1. The relevant Rules Committee, which is comprised of representatives from the judiciary, the legal profession and the Northern Ireland Courts and Tribunals Service were consulted prior to their making of the Rule.
- 4.2. The Department has consulted the Lady Chief Justice on this Rule in accordance with the requirements of Article 13 of the 1981 Order.

#### **5. Equality Impact**

- 5.1. The Department conducted a screening exercise of the policy underlying the 2021 Act including the family justice provisions and concluded that there were no significant implications for equality of opportunity so an equality impact assessment was not necessary.

## **6. Regulatory Impact**

6.1. No regulatory impact assessment was considered necessary. There is no impact on business, charities, voluntary bodies or the public sector

## **7. Financial Implications**

7.1. None.

## **8. Section 24 of the Northern Ireland Act 1998**

8.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that this Statutory Rule is compliant.

## **9. EU Implications**

9.1. Not applicable.

## **10. Parity or Replicatory Measure**

10.1. Court rules in England and Wales make provision for special measures for victims of domestic abuse.

## **11. Additional Information**

11.1. Not applicable.