

FROM THE OFFICE OF THE JUSTICE MINISTER



Minister's Office Block B,
Castle Buildings
Stormont Estate
Ballymiscaw
Belfast
BT4 3SG
Tel: 028 90522744
DoJ.MinistersOffice@justice-ni.gov.uk

Christine Darrah
Clerk to the Committee for Justice
Room 242
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

25 June 2021

Dear Christine

**PROTECTION FROM STALKING BILL: ORAL EVIDENCE SESSIONS –
ADDITIONAL INFORMATION**

Thank you for your letter of 8 June.

I note the additional information that the Justice Committee have requested from the Department following the Oral Evidence Sessions on 20 and 27 May. The relevant information is outlined below under each specific heading.

Special measures in the family and civil courts

Clause 3 of the Bill currently includes special measures in criminal proceedings. However, the Department appreciates that the issue of extending special measures to civil and family proceedings has been raised during the Call for Evidence and at the recent oral evidence sessions. The Department is exploring this option further with colleagues in Civil Justice Policy Division and the Departmental Solicitor, and will update the Committee on the outcome in due course.

Programmes or services for perpetrators of stalking

Perpetrator interventions will be a key element in addressing stalking behaviours. The Promoting Positive Relationships Programme (PPRP) delivered by the Probation Board (PBNI) is an innovative programme, designed for those who have demonstrated the potential to be abusive in intimate partner relationships. The programme covers a range of behaviours including those that are associated with stalking type behaviour.

The Department is committed to working collaboratively with partner organisations to develop and promote such interventions specifically for stalking perpetrators and PBNI will be a key partner in the development of these programmes.

Whether ‘To make use of a person’s disability to cause fear, alarm or substantial stress’ is specifically covered in Clause 1(4) of the Bill

During the drafting stage of the Bill, it was agreed with Office of the Legislative Counsel (OLC) and the Departmental Solicitor (DSO) to include a “catch all” of all possible scenarios within the provision of clause 1(4). Therefore, clause 1(4)(j) was drafted specifically to include “*acting in any other way that a reasonable person, or a reasonable person who has any particular knowledge of B that A has, would expect would cause B to suffer fear, alarm or substantial distress*”.

Using a person’s disability to stalk, and in this case the fact that the victim was blind, would therefore be covered by ‘*the reasonable person who has any particular knowledge of B that A has*’, aspect of the clause.

Whether ‘the use of intermediaries such as children, family members or others’ is covered in Clause 1(4) of the Bill as currently drafted

Again, during drafting stage, OLC agreed that the “catch all” at clause 1(4)(j) would cover seemingly innocuous behaviour such as A leaving a gift, or a message with a third party, with the intention that the third party should deliver the gift/message to B.

OLC also agreed with DSO that, clause 1(4)(j) would cover the situation where A makes use of a proxy C, to stalk B, and it was concluded that no specific reference to “third party” was required on the face of the Bill

I trust that the Committee finds this information helpful.

Yours sincerely

[signed]

CLAIRE McCORMICK DALO