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24 November 2021

Dear Christine,

PROTECTION FROM STALKING BILL – PROPOSED AMENDMENTS

Thank you for your letter of 19 November, which officials took receipt of at 17:01 on Friday evening.

I can confirm that the text of the amendments to the Bill in relation to training, data collection and reporting (which officials anticipated should also include SPOs and interim SPOs) has been received from Office of the Legislative Counsel (OLC).

The text of these amendments is set out in the attached **Annex**.

In terms of the Committee's request for Clause 17 to be amended to include guidance on the operation of the stalking offence, Departmental officials have already committed to comply with the Committee's request regarding the content of the guidance in this respect during oral evidence and in writing (my correspondence of 10 November refers).

Consequently, no further purpose would be served by amending clause 17 as the Committee suggests.

FROM THE OFFICE OF THE JUSTICE
MINISTER



However, the Minister is happy to make a Ministerial commitment that the Department will include the exercise of the Chief Constable's functions under the provisions of the Act relating to the stalking offence as part of the required guidance, to address the Committee's wishes.

**CLAIRE MCCORMICK
DALO**

PROTECTION FROM STALKING BILL

Draft amendments for Consideration stage

(16th November 2021)

Clause 17, Page 12, Line 8

At end insert -

‘(4) The Department must lay before the Assembly any guidance issued or revised under this section.’

New clause

After clause 17 insert -

“Operational matters

Guidance on data collection

17A.—(1) The Department—

(a) may issue guidance to the listed bodies, or any additional bodies the Department considers appropriate, about the sort of information it seeks to obtain from them for the purpose of the assessment by it of the operation of this Act, and

(b) must have regard to relevant information it obtains from the listed bodies, or from any additional bodies to whom such guidance is issued, in relation to the operation of this Act when determining the steps (if any) that could be taken by it for the purpose of ensuring the effectiveness of the operation of this Act.

(2) The listed bodies are—

(a) the Police Service of Northern Ireland, and

(b) the Public Prosecution Service for Northern Ireland.”

New clause

After clause 17 insert -

“Training

17B.—(1) It is mandatory for each listed authority, and each specified authority, to provide for those of its relevant personnel who have responsibilities for dealing with cases under this Act—

(a) such initial training, and

(b) such annual or other top-up training,

as the authority considers appropriate for the purpose of the effective discharge by those personnel of their respective responsibilities.

- (2) The Chief Constable is a listed authority, and the Chief Constable’s “relevant personnel” are the personnel of the Police Service of Northern Ireland.
- (3) The Director of Public Prosecutions for Northern Ireland is a listed authority, and the Director’s “relevant personnel” are the personnel of the Public Prosecution Service for Northern Ireland.
- (4) The Department is a listed authority, and the Department’s “relevant personnel” are— (a) staff within the Northern Ireland Courts and Tribunal Service, and
(b) staff within any additional agency of the Department that has functions in relation to cases under this Act and that the Department selects in connection with this subsection.
- (5) A “specified authority” is a person that—
 - (a) has functions in relation to cases under this Act, and
 - (b) is specified in connection with this section in regulations made by the Department;and a specified authority’s “relevant personnel” are persons of a description specified in regulations made by the Department.
- (6) Regulations under subsection (5) are subject to negative resolution.”

New clause

After clause 17 insert -

“Report on the operation of this Act

17C.—(1) The Department must prepare a report for each reporting period giving the following information (so far as available to the Department)— (a) the number of stalking incidents reported to the police,

- (b) the number of stalking protection orders applied for, and the number made,
- (c) the number of crimes recorded by or on behalf of the police that are classified as an offence under section 1 or 2,
- (d) the numbers mentioned in paragraphs (a) and (c) broken down by reference to police districts,
- (e) the number of files submitted by or on behalf of the police to the Public Prosecution Service for Northern Ireland in relation to offences under either or both of sections 1 and 2,
- (f) the number of cases prosecuted by the Public Prosecution Service for offences under either or both of sections 1 and 2, and—

- (i) the number of convictions in those cases,
 - (ii) the average length of time in those cases from recording of a crime by or on behalf of the police to disposal of the case at court (ignoring appeal processes), and
 - (iii) the number mentioned in sub-paragraph (i) broken down by reference to whether the conduct or behaviour concerned was engaged in by means of the internet— in a key way, or
 - in some lesser but non-minimal way, or either
 - minimally or not at all,
- (g) information about the level of compliance with—
- (i) stalking protection orders and interim stalking protection orders, and
 - (ii) the requirements of sections 14 and 15 (notification by persons subject to orders),
- (h) information about the level of participation, by persons for whom section 17B requires training to be provided, in the required training provided for them,
- (i) information about how court business is arranged so as to ensure the efficient disposal of—
- (i) cases under either or both of sections 1 and 2, and
 - (ii) applications for stalking protection orders and applications for interim stalking protection orders,
- (j) information about the experience at court of—
- (i) witnesses (other than the accused) in cases under either or both of sections 1 and 2;
 - (ii) witnesses (other than the person against whom the order is sought) in applications for stalking protection orders and applications for interim stalking protection orders,
- (k) any views or assessment that the Department considers it appropriate to give in relation to the operation of this Act or its effectiveness,
- (l) information about any issuing, review or revision of guidance under section 17 or 17A,
- (m) information about any steps taken by the Department for raising public awareness of the behaviours addressed by this Act (including, in particular, awareness amongst persons targeted, or harmed or otherwise victimised, by the behaviours),
- (n) information about any activities undertaken by the Department in supporting the operation of this Act, and

- (o) any further information the Department considers appropriate.
- (2) In subsection (1)(a) “stalking incident” means an incident (including a course of conduct) which, as reported to the police, indicates either or both of the following—
 - (a) that an offence may have been committed under section 1 or 2;
 - (b) that the Chief Constable may have grounds for applying for a stalking protection order against a person.
- (3) For the purposes of subsection (1)— (a) the first reporting period—
 - (i) begins at the end of the day on which this Act receives Royal Assent, and
 - (ii) is of such length, not less than 2 years and not more than 3 years, as the Department determines, and
 - (b) each subsequent reporting period is the 3 years beginning with the end of the previous reporting period.
- (4) The Department must arrange for each report under this section to be published in such manner as the Department considers appropriate.
- (5) The Department must lay before the Assembly each report under this section.
- (6) The duty under subsection (1) does not apply to reporting periods ending after such time as the Department may by regulations specify, but a time may not be specified if it is earlier than the end of 10 years beginning with the end of the day on which this Act receives Royal Assent.
- (7) Regulations under subsection (6) are subject to negative resolution.’

Clause 19, Page 12, Line 22

Leave out first ‘section’ and insert ‘sections 17A to’