



Public
Prosecution
Service

Belfast Chambers
93 Chichester Street

Policy and Information Unit

Public Prosecution Service

Belfast BT1 3JR

26 April 2021

Re: Call for evidence - Protection from Stalking Bill

I am writing in response to the call for evidence from the Committee for Justice in respect of the draft Protection from Stalking Bill.

The PPS have previously provided written views to the Committee (in 2016 and 2018) in relation to the Committee's review of the need for stalking legislation in Northern Ireland. The PPS position remains that legislation is a matter for the Department of Justice and legislators to bring forward and for the Committee and Assembly to consider. As an independent prosecution service, it is inappropriate for us to address the rights or wrongs of a particular piece of legislation.

However the PPS recognises the potential benefits to having a specific stalking offence in Northern Ireland and we will prosecute such cases robustly when the legislation commences.

The method of listing types of conduct in clause 1(4) which may constitute stalking behaviour is welcomed. This clause is comprehensive and it is understood from policy colleagues in neighbouring jurisdictions that such lists work well in operational terms.

It is not the role of PPS to comment upon sentencing or seek to influence legislative penalties and we therefore have no comment to make in respect of clause 1(6).

The inclusion of the offence of 'Threatening and Abusive Behaviour' at clause 2 as an alternative to the stalking offence is of benefit. This offence can assist prosecuting authorities in identifying early stalking type behaviours which can subsequently be prosecuted as one single act where no other applicable offence exists; i.e. rather than requiring the commission of a further incident so as to amount to a 'course of

behaviour'. This may assist in preventing the progression / escalation of offending and the commission of further, more serious incidents of stalking behaviour.

Under the provisions of the Bill the PPS will not be involved in applications for Stalking Protection Orders (SPOs) and interim orders. Clauses 7, 8, 10 and 11 set out the procedures in respect of SPOs which are initiated by an application from the Chief Constable. Clarification is sought as to whether Judges will be able to make SPOs of their own volition at the conclusion of criminal proceedings and whether prosecutors can make applications to the court for Judges to consider such orders. This would be in line with the current processes in respect of applications for restraining orders.

If you require any further information, please let me know.

Yours sincerely,

Dr Richard Scullion Head of Policy and Information