



Northern Ireland Assembly

Justice (No. 2) Bill

Notice of Amendments tabled on 3 February 2016 for Consideration Stage

New Clause

After clause 42 insert -

‘Controlling or coercive behaviour in an intimate or family relationship

42E.—(1) A person (A) commits an offence if—

- (a) A repeatedly or continuously engages in behaviour towards another person (B) that is controlling or coercive,
- (b) at the time of the behaviour, A and B are personally connected,
- (c) the behaviour has a serious effect on B, and
- (d) A knows or ought to know that the behaviour will have a serious effect on B.

(2) A and B are “personally connected” if—

- (a) A is in an intimate personal relationship with B, or
- (b) A and B live together and—
 - (i) they are members of the same family, or
 - (ii) they have previously been in an intimate personal relationship with each other.

(3) But A does not commit an offence under this section if at the time of the behaviour in question—

- (a) A has responsibility for B, for the purposes of section 6 of the Children (Northern Ireland) Order 1995, and
- (b) B is under 16.

(4) A’s behaviour has a “serious effect” on B if—

- (a) it causes B to fear, on at least two occasions, that violence will be used against B, or
- (b) it causes B serious alarm or distress which has a substantial adverse effect on B’s usual day-to-day activities.

(5) For the purposes of subsection (1)(d) A “ought to know” that which a reasonable person in possession of the same information would know.

- (6) For the purposes of subsection (2)(b)(i) A and B are members of the same family if—
- (a) they are, or have been, married to each other;
 - (b) they are, or have been, civil partners of each other;
 - (c) they are relatives;
 - (d) they have agreed to marry one another (whether or not the agreement has been terminated);
 - (e) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
 - (f) they are both parents of the same child;
 - (g) they have, or have had, parental responsibility for the same child.
- (7) In subsection (6)—
- “civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;
 - “child” means a person under the age of 18 years;
 - “parental responsibility” has the meaning described in sections 5 and 6 of the Children (Northern Ireland) Order 1995;
 - “relative” has the meaning understood in family law in Northern Ireland.
- (8) In proceedings for an offence under this section it is a defence for A to show that—
- (a) in engaging in the behaviour in question, A believed that he or she was acting in B’s best interests, and
 - (b) the behaviour was in all the circumstances reasonable.
- (9) A is to be taken to have shown the facts mentioned in subsection (8) if—
- (a) sufficient evidence of the facts is adduced to raise an issue with respect to them, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (10) The defence in subsection (8) is not available to A in relation to behaviour that causes B to fear that violence will be used against B.
- (11) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine, or both.’

Mr Paul Frew

New Clause

After clause 42 insert -

‘Offence of assaulting and obstructing certain emergency workers

42F.—(1) A person who without reasonable excuse assaults or obstructs another while that other person is, in a capacity mentioned in subsection (2) below, responding to emergency circumstances, commits an offence.

(2) The capacity referred to in subsection (1) above is that of a person employed by a relevant NHS body in the provision of ambulance services (including air ambulance services), or of a person providing such services pursuant to arrangements made by, or at the request of, a relevant NHS body.

(3) A person guilty of an offence under subsection (1) shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.’

Mr Paul Frew

New Clause

After clause 42 insert -

‘Defence to sections 25 and 26 of the Criminal Justice (Northern Ireland) Act 1945 and sections 58 and 59 of the Offences against the Person Act 1861 in cases of certain sexual crimes

42G.—(1) A person shall not be guilty of an offence under section 25 and 26 of the Criminal Justice (Northern Ireland) Act 1945 or sections 58 and 59 of the Offences against the Persons Act 1861 when a pregnancy is terminated if—

- (a) the pregnant woman has made a complaint to the police alleging that the pregnancy could be caused by rape, incest or indecent assault, as soon as was reasonable in all the circumstances;
- (b) the pregnant woman has produced to the hospital surgeon and/or medical practitioner evidence suggesting that the pregnancy could be caused by rape, incest or indecent assault; and
- (c) the hospital surgeon and/or medical practitioner are of the opinion, formed in good faith, that there are no medical indications which are inconsistent with the allegation that the pregnancy could be caused by rape, incest or indecent assault.

(2) No evidence in respect of, or any matter connected with, the termination of a pregnancy in accordance with this section shall be admissible in any criminal proceedings relating to the alleged rape, incest or indecent assault, except with the leave of the court.’

Ms Anna Lo