



House of Commons

Thursday 4 June 2020

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 30 to 53 and NC15 and NC32

DOMESTIC ABUSE BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Resolution of the Programming Sub-Committee.

RESOLUTION OF THE PROGRAMMING SUB-COMMITTEE

The Programming Sub-Committee appointed by the Speaker in respect of the Bill agreed the following Resolution at its meeting on Tuesday 2 June (Standing Order No. 83C):

That—

- (1) the Committee shall (in addition to its first meeting at 11.30 am on Thursday 4 June) meet—
 - (a) at 2.00 pm on Thursday 4 June;
 - (b) at 9.25 am and 2.00 pm on Tuesday 9 June;
 - (c) at 9.25 am and 2.00 pm on Wednesday 10 June;
 - (d) at 11.30 am and 2.00 pm on Thursday 11 June;
 - (e) at 9.25 am and 2.00 pm on Tuesday 16 June;
 - (f) at 9.25 am and 2.00 pm on Wednesday 17 June;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

Domestic Abuse Bill, continued

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Thursday 4 June	Until no later than 12.30 pm	Nicole Jacobs, Designate Domestic Abuse Commissioner
Thursday 4 June	Until no later than 1.00 pm	Southall Black Sisters
Thursday 4 June	Until no later than 2.15 pm	Latin American Women's Rights Service
Thursday 4 June	Until no later than 2.45 pm	Somiya Basar; Saliha Rashid
Thursday 4 June	Until no later than 3.15 pm	Women's Aid Federation of England; End Violence Against Women Coalition
Thursday 4 June	Until no later than 3.45 pm	Refuge; SafeLives
Thursday 4 June	Until no later than 4.15 pm	Hestia; Gisela Valle, Step Up Migrant Women UK
Thursday 4 June	Until no later than 4.30 pm	Dame Vera Baird QC, Commissioner for Victims and Witnesses
Thursday 4 June	Until no later than 5.00 pm	Local Government Association; Welsh Women's Aid

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 37; Schedule 1; Clauses 38 to 62; Schedule 2; Clauses 63 to 73; new Clauses; new Schedules; remaining proceedings on the Bill;
- (4) the proceedings on the Bill shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 25 June.

Alex Chalk has given notice of his intention to move a motion in the terms of the Resolution of the Programming Sub-Committee [Standing Order No. 83C].

Victoria Atkins
Alex Chalk

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

 Domestic Abuse Bill, *continued*

Victoria Atkins
Alex Chalk

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

Philip Davies
Bob Stewart

Clause 1, page 1, line 14, leave out paragraph (d)

Member's explanatory statement

This amendment would remove economic abuse from the definition of domestic abuse.

1

Philip Davies
Bob Stewart
Damian Collins

Clause 1, page 1, line 15, after “abuse”, insert “(see subsection (4A))”

Member's explanatory statement

This amendment would provide the ability to further define specific abuse.

7

Philip Davies
Bob Stewart

Clause 1, page 2, line 1, leave out subsection (4)

Member's explanatory statement

This amendment is consequential upon Amendment 1.

2

Philip Davies
Bob Stewart
Damian Collins

Clause 1, page 2, line 1, after “effect”, insert “without permission, consent, necessity or any other good reason”.

Member's explanatory statement

The aim of this amendment would be to specify that economic abuse has to be deliberate and unreasonable not just the withholding of money, for example, with lawful authority or good reason – e.g. someone caring for someone or the partner of a gambling addict who gives consent etc.

5

Philip Davies
Bob Stewart
Damian Collins

Clause 1, page 2, line 3, leave out “acquire, use or maintain money or other property” and insert “maintain their own money or personal property”

Member's explanatory statement

The aim of this amendment would be to specify that economic abuse must involve the person's own money and not the lawful property of someone else.

6

Domestic Abuse Bill, continued

Philip Davies
Bob Stewart
Damian Collins

8

Clause 1, page 2, line 4, at end insert—

“(4A) “Psychological, emotional or other abuse” includes but is not limited to—

- (a) Parental Alienation, or
- (b) False allegations of domestic abuse by A against B, or
- (c) A deliberately preventing B having contact with their child or children for no good reason.”

Member’s explanatory statement

This amendment gives specific examples of domestic abuse – parental alienation, false allegations of domestic abuse and the prevention of contact with a parent for no good reason.

Philip Davies
Bob Stewart
Damian Collins

9

Clause 1, page 2, line 4, at end insert—

“(4B) “Parental Alienation” is defined as a child’s resistance or hostility towards parent B which is not justified and is the result of psychological manipulation by parent A.”

Member’s explanatory statement

This amendment defines parental alienation.

Philip Davies
Bob Stewart
Damian Collins

10

Clause 1, page 2, line 5, leave out subsection (5)

Member’s explanatory statement

This amendment removes the potential creation of two victims of a single act of abuse.

Jess Phillips

50

★ Clause 1, page 2, line 7, at end insert—

“(5A) For the purposes of this Act, people affected by domestic abuse may include any child (such as a child in relation to whom A or B has a parental relationship) who sees, hears or is otherwise exposed to domestic abuse within the meaning of this section.”

Member’s explanatory statement

An amendment so children are recognised within the statutory definition of domestic abuse.

Philip Davies
Bob Stewart
Damian Collins

11

Clause 1, page 2, line 8, leave out subsection (6)

Member’s explanatory statement

This amendment is consequential upon Amendment 10.

 Domestic Abuse Bill, *continued*

- Jess Phillips 48
- ★ Clause 2, page 2, line 21, at end insert “one person is a provider of care to the other,”
- Liz Saville Roberts 29
- Clause 2, page 2, line 24, at end insert—
 “(h) they live, or at the time of the abuse lived, in the same household.”
Member’s explanatory statement
This amendment would ensure that victims living with an abuser in the same household, for example as a flat share, are considered to be ‘personally connected’.
- Jess Phillips 49
- ★ Clause 2, page 2, line 34, at end insert—
 ““provider of care” means any person (“A”) who provides ongoing emotional, psychological or physical support to another person (“B”) with the aim of enabling B to live independently, whether or not A is paid for this support;”
Member’s explanatory statement
An amendment to ensure a carer of a person with disabilities is included in the definition of ‘personally connected’.
-
- Philip Davies
 Bob Stewart 15
- Clause 6, page 4, line 3, after “the”, insert “objective”
Member’s explanatory statement
This amendment aims to ensure there is no bias and that pre-conceived notions do not form part of the identification of domestic abuse process.
- Philip Davies
 Bob Stewart 16
- Clause 6, page 4, line 8, after “abuse”, insert “; (e) a gender-neutral approach to domestic abuse”
Member’s explanatory statement
This amendment would recognise explicitly that domestic violence affects everyone regardless of their sex.
- Philip Davies
 Bob Stewart 17
- Clause 6, page 4, line 23, at end insert—
 “(h) monitoring the estimated number of actual victims of domestic abuse compared to those prosecuted for such offences according to the sex of

Domestic Abuse Bill, *continued*

the victim and making recommendations to address any differences in outcomes between the sexes;”

Member’s explanatory statement

This amendment would make sure that male and female perpetrators of domestic abuse are prosecuted in similar relative numbers.

Philip Davies
Bob Stewart

18

Clause 6, page 4, line 23, at end insert—

“(i) monitoring the estimated number of actual victims of domestic abuse in same sex relationships by gender.”

Member’s explanatory statement

This amendment would ensure that those in same sex relationships are separately monitored in line with the genderneutral approach to domestic abuse.

Peter Kyle
Jess Phillips

43

★ Clause 7, page 5, line 7, leave out “direct” and insert “request”

Member’s explanatory statement

This amendment changes the Bill so that the Secretary of State may request, rather than direct, the Commissioner to omit material from a report.

Peter Kyle
Jess Phillips

44

★ Clause 8, page 5, line 29, leave out “direct” and insert “request”

Member’s explanatory statement

This amendment changes the Bill so that the Secretary of State may request, rather than direct, the Commissioner to omit material from any advice.

Philip Davies
Bob Stewart

19

Clause 11, page 6, line 38, after “Board”)”, insert “through an open recruitment process”.

Member’s explanatory statement

This amendment would ensure that members of the Advisory Board are appointed via an open recruitment process.

Domestic Abuse Bill, continued

Philip Davies
Bob Stewart

23

Clause 11, page 7, line 7, after the first “of” insert “each of (a) male and (b) female”.

Member’s explanatory statement

This amendment would ensure that different people separately representing the interests of male and female victims are appointed to the Advisory Board.

Liz Saville Roberts

28

Clause 11, page 7, line 7, at end insert “in England;
(aa) at least one person appearing to the Commissioner to represent the interests of victims of domestic abuse in Wales;”

Member’s explanatory statement

This amendment would require representation for domestic abuse victims in Wales, ensuring that both the interests of domestic abuse victims in England and Wales are equally addressed.

Philip Davies
Bob Stewart

24

Clause 11, page 7, line 9, after “with”, insert “each of (a) male and (b) female”

Member’s explanatory statement

This amendment would ensure that different people separately representing the interests of male and female organisations are on the Advisory Board.

Philip Davies
Bob Stewart

20

Clause 11, page 7, line 11, leave out paragraph (c)

Member’s explanatory statement

This amendment would remove the necessity for a representative of health care providers to be on the Advisory Board to make space for representatives of both male and female victims/groups.

Philip Davies
Bob Stewart

21

Clause 11, page 7, line 14, leave out paragraph (d)

Member’s explanatory statement

This amendment would remove the necessity for a representative of social care providers to be on the Advisory Board to make space for representatives of both male and female victims/groups.

Philip Davies
Bob Stewart

22

Clause 11, page 7, line 24, leave out subsection (6)

Member’s explanatory statement

This amendment is consequential upon Amendment 21.

 Domestic Abuse Bill, *continued*

Peter Kyle
Jess Phillips

45

- ★ Clause 13, page 8, line 16, leave out from “must” to “on” and insert “report annually to Parliament”.

Member’s explanatory statement

This amendment changes the requirement for the Commissioner to submit an annual report to the Secretary of State to a requirement to report annually to Parliament.

Peter Kyle
Jess Phillips

46

- ★ Clause 13, page 8, line 25, leave out subsections (3) to (5) and insert—

“(3) The Commissioner must arrange for a copy of every annual report under this section to be laid before Parliament.

(4) Before laying the report before Parliament, the Commissioner must ensure that no material is included in the report which—

(a) might jeopardise the safety of any person, or

(b) might prejudice the investigation or prosecution of an offence.

(5) The Commissioner must provide a copy of the report to the Secretary of State.”

Member’s explanatory statement

This amendment is linked to Amendment 45.

Victoria Atkins
Alex Chalk

30

- ★ Clause 14, page 10, line 2, after “London” insert “in its capacity as a local authority”

Member’s explanatory statement

This amendment clarifies that the reference to the Common Council of the City of London in the definition of “English local authority” in clause 14 is to the Common Council in its capacity as a local authority.

Jess Phillips

51

- ★ Clause 32, page 21, line 3, at end insert—

“(2) A domestic abuse protection order that imposes a requirement to do something on a person (“P”) must—

(a) specify the person who is to be responsible for supervising compliance with that requirement; and

(b) meet the standard published by the Home Secretary for domestic abuse behaviour interventions, if the requirement is to attend an intervention specifically designed to address the use of abusive behaviour.”

Domestic Abuse Bill, continued

Victoria Atkins
Alex Chalk

31

- ★ Clause 36, page 23, line 29, leave out “section 154(1) of the Criminal Justice Act 2003” and insert “paragraph 24(2) of Schedule 22 to the Sentencing Act 2020”

Member’s explanatory statement

This amendment, and amendments 32, 34, 35 and 37, update references to existing legislation in the Bill to refer to the equivalent provision made by the Sentencing Bill that was introduced into Parliament in March (which will introduce the new Sentencing Code).

Victoria Atkins
Alex Chalk

32

- ★ Clause 36, page 23, line 36, leave out from “under” to “(conditional” and insert “section 80 of the Sentencing Code”

Member’s explanatory statement

See the explanatory statement for amendment 31.

Victoria Atkins
Alex Chalk

33

- ★ Clause 36, page 23, line 37, at end insert—

“(6A) If a person is convicted of an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence under this section, it is not open to the service court that convicted the person to make, in respect of the offence, an order under section 185 of that Act (conditional discharge).

In this subsection “service court” means the Court Martial or the Service Civilian Court.”

Member’s explanatory statement

Conduct that is an offence under the law of England and Wales (or would be if it took place there) may be charged as a service offence, so a breach of a domestic abuse protection order may be dealt with by a service court. This amendment therefore makes provision corresponding to that made by clause 36(6), prohibiting a service court from giving a person a conditional discharge for breaching an order.

Victoria Atkins
Alex Chalk

34

- ★ Clause 40, page 26, line 22, leave out “section 154(1) of the Criminal Justice Act 2003” and insert “paragraph 24(2) of Schedule 22 to the Sentencing Act 2020”

Member’s explanatory statement

See the explanatory statement for amendment 31.

Domestic Abuse Bill, continued

Victoria Atkins
Alex Chalk

- 35**
- ★ Clause 45, page 31, leave out line 15 and insert “sections 79, 80 and 82 of the Sentencing Code”
Member’s explanatory statement
See the explanatory statement for amendment 31.
-

Philip Davies
Bob Stewart

- 25**
- Clause 54, page 35, line 36, after the first “of”, insert “each of (a) male and (b) female”
Member’s explanatory statement
This amendment would ensure that different people separately represent the interests of both male and female victims on the domestic abuse local partnership boards.

Philip Davies
Bob Stewart

- 26**
- Clause 54, page 35, line 40, after “with” insert “each of (a) male and (b) female”
Member’s explanatory statement
This amendment would ensure that different people separately represent the interests of both male and female organisations on the domestic abuse local partnership boards.
-

Victoria Atkins
Alex Chalk

- 36**
- ★ Clause 57, page 37, line 1, after “London” insert “in its capacity as a local authority”
Member’s explanatory statement
This amendment clarifies that the reference to the Common Council of the City of London in the definition of “local authority” for the purposes of Part 4 of the Bill is to the Common Council in its capacity as a local authority.
-

Domestic Abuse Bill, continued

Victoria Atkins
Alex Chalk

37

- ★ Clause 59, page 39, line 32, at end insert—
 “(aa) section 80 of the Sentencing Code;”
Member’s explanatory statement
See the explanatory statement for amendment 31.
-

Peter Kyle
Jess Phillips

52

- ★ Clause 64, page 47, line 15, at end insert—
 “(1A) Before issuing guidance under this section, the Secretary of State must undertake a comprehensive assessment of the contribution of the disclosure of police information to the prevention of domestic abuse, drawing on disclosures made by chief officers of police prior to this section coming into force.
 (1B) Disclosures of police information for the purposes of the prevention of domestic abuse may only be made—
 (a) where reasonable, necessary, and proportionate,
 (b) with regard to the best interests of children likely to be affected by the disclosure, and
 (c) after ensuring there is an operational plan to support the recipients of such disclosures.”

Peter Kyle
Jess Phillips

53

- ★ Clause 64, page 47, line 17, at end insert—
 “(2B) Each chief officer of police of a police force must annually review—
 (a) the compliance of their own force with any guidance issued under this section, and
 (b) the overall contribution of the disclosures under that guidance to the prevention of domestic abuse in their force area.”

Member’s explanatory statement

An amendment to demand review from police of how the Domestic Violence Disclosure Scheme policy is working, and to clarify the ‘pressing need’ test.

Philip Davies
Bob Stewart

3

- Clause 65, page 48, line 37, leave out paragraph (d)
Member’s explanatory statement
This amendment is consequential upon Amendment 1.

Domestic Abuse Bill, *continued*

Philip Davies
Bob Stewart

4

Clause 65, page 49, line 16, leave out paragraph (d)
Member's explanatory statement
This amendment is consequential upon Amendment 1.

Philip Davies
Bob Stewart
Damian Collins

12

Clause 65, page 49, line 26, leave out paragraph (b)
Member's explanatory statement
This amendment is consequential upon Amendment 10.

Philip Davies
Bob Stewart

27

Clause 65, page 49, line 29, at end insert—

“(4) If it transpires that the local authority has been given incorrect information or that it has taken into account false allegations of domestic abuse as the basis for granting a tenancy, it must revoke the secure tenancy within 7 days of receiving this information by giving the tenant 28 days notice to quit in addition to passing on such information to the police, where they are not already involved, as soon as is practicable thereafter.”

Member's explanatory statement

This amendment makes provision for someone who has made false allegations of domestic abuse to lose the home they gained under these false pretences.

Victoria Atkins
Alex Chalk

40

★ Clause 66, page 49, line 36, after “64” insert “, (*Homelessness: victims of domestic abuse*)”
Member's explanatory statement
This amendment is consequential on amendment NC16.

Christine Jardine
Liz Saville Roberts
Nickie Aiken

47

★ Clause 66, page 49, line 42, at end insert—

“(2A) The Secretary of State must issue separate statutory guidance on domestic abuse that also constitutes teenage relationship abuse and such guidance must address how to ensure there are—

- (a) sufficient levels of local authority service provision for both victims and perpetrators of teenage relationship abuse,
- (b) child safeguarding referral pathways for both victims and perpetrators of teenage relationship abuse.

(2B) The guidance in subsection (2A) must be published within three months of the Act receiving Royal Assent and must be reviewed bi-annually.

Domestic Abuse Bill, *continued*

- (2C) For the purposes of subsection (2A), teenage relationship abuse is defined as any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse, which can encompass, but is not limited to psychological, physical, sexual, economic and emotional abuse, including through the use of technology, between those aged 18 or under who are, or have been in a romantic relationships regardless of gender or sexual orientation.”

Member’s explanatory statement

This amendment would place a duty on the Secretary of State to publish separate statutory guidance on teenage relationship abuse. The statutory guidance would cover not just victims of teenage domestic abuse but extend to those who perpetrate abuse within their own teenage relationships.

Philip Davies
Bob Stewart

13

- Clause 66, page 49, line 44, leave out from “that” to the end of line 45 and insert “victims and perpetrators of domestic abuse in England and Wales are both male and female.”

Member’s explanatory statement

This amendment removes the sex specific reference to females, to include male victims of domestic abuse and reflect the fact that both men and women are perpetrators of domestic abuse.

Philip Davies
Bob Stewart

14

- Clause 66, page 49, line 45, after “female”, insert “and this should in no way exclude male victims from the protection of domestic abuse legislation and services for survivors.”

Member’s explanatory statement

This amendment is an alternative to Amendment 13.

Victoria Atkins
Alex Chalk

41

- ★ Clause 67, page 50, line 27, after “64” insert “, (*Homelessness: victims of domestic abuse*)”

Member’s explanatory statement

This amendment is consequential on amendment NC16.

Domestic Abuse Bill, continued

Victoria Atkins
Alex Chalk

42

- ★ Clause 68, page 50, line 38, after “64,” insert “(*Homelessness: victims of domestic abuse*),”
- Member’s explanatory statement***
This amendment is consequential on amendment NC16.
-

Victoria Atkins
Alex Chalk

38

- ★ Clause 71, page 52, line 3, at end insert—
- “() section 36(6A),”
- Member’s explanatory statement***
This amendment is consequential on amendment 33.

Victoria Atkins
Alex Chalk

39

- ★ Clause 71, page 52, line 6, at end insert—
- “() Section 36(6A) and this subsection (and sections 67 to 69, 72 and 73, so far as relating to those provisions) extend to—
- (a) the Isle of Man, and
- (b) the British overseas territories except Gibraltar;
- and the power under section 384(2) of the Armed Forces Act 2006 may be exercised so as to modify section 36(6A) as it extends to the Isle of Man or a British overseas territory other than Gibraltar.
- () The power under section 384(1) of the Armed Forces Act 2006 may be exercised so as to extend section 36(6A) of this Act to any of the Channel Islands (with or without modifications).”
- Member’s explanatory statement***
This amendment is consequential on amendment 33.
-

Victoria Atkins
Alex Chalk

NC15

- ★ To move the following Clause—

“Consequential amendments of the Sentencing Code

- (1) The Sentencing Code is amended as follows.
- (2) In section 80 (order for conditional discharge), in subsection (3), at the end insert—
- “(f) section 36(6) (breach of domestic abuse protection order).”

Domestic Abuse Bill, *continued*

- (3) In Chapter 6 of Part 11 (other behaviour orders), before section 379 (but after the heading “Other orders”) insert—

“378A Domestic abuse protection orders

See Part 3 of the Domestic Abuse Act 2020 (and in particular section 28(3) of that Act) for the power of a court to make a domestic abuse protection order when dealing with an offender for an offence.”

Member’s explanatory statement

This New Clause makes two consequential amendments to the Sentencing Code as a result of Part 3 of the Bill. The first adds a reference to clause 36(6) to the list of cases where an order for conditional discharge is not available. The second inserts a signpost to Part 3 of the Bill into Part 11 of the Sentencing Code, which deals with behaviour orders.

Victoria Atkins
Alex Chalk

NC16

- ★ To move the following Clause—

“Homelessness: victims of domestic abuse

- (1) Part 7 of the Housing Act 1996 (homelessness: England) is amended as follows.
- (2) In section 177 (whether it is reasonable to continue to occupy accommodation)—
- (a) in subsection (1), for “domestic violence or other violence” substitute “violence or domestic abuse”;
 - (b) for subsection (1A) substitute—

“(1A) For this purpose—

 - (a) “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020;
 - (b) “violence” means—
 - (i) violence from another person; or
 - (ii) threats of violence from another person which are likely to be carried out.”
- (3) Omit section 178 (meaning of associated person).
- (4) In section 179 (duty of local housing authority in England to provide advisory services), in subsection (5)—
- (a) for the definition of “domestic abuse” substitute—

““domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020;”;
 - (b) omit the definition of “financial abuse”.
- (5) In section 189 (priority need for accommodation)—
- (a) in subsection (1), after paragraph (d) insert—

“(e) a person who is homeless as a result of that person being a victim of domestic abuse.”;
 - (b) after subsection (4) insert—

“(5) In this section “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020.”

Domestic Abuse Bill, *continued*

- (6) In section 198 (referral of case to another local housing authority)—
- (a) in subsection (2), in paragraph (c), for “domestic violence” substitute “domestic abuse”;
 - (b) in subsection (2ZA), in paragraph (b), for “domestic violence” substitute “domestic abuse”;
 - (c) in subsection (2A), in paragraph (a), for “domestic violence” substitute “violence that is domestic abuse”;
 - (d) for subsection (3) substitute—
 - “(3) For the purposes of subsections (2), (2ZA) and (2A)—
 - (a) “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020;
 - (b) “violence” means—
 - (i) violence from another person; or
 - (ii) threats of violence from another person which are likely to be carried out.”
- (7) In section 218 (index of defined expressions: Part 7), in the table, omit the entry relating to section 178.
- (8) In article 6 of the Homelessness (Priority Need for Accommodation) (England) Order 2002 (S.I. 2002/2051) (vulnerability: fleeing violence or threats of violence)—
- (a) the existing text becomes paragraph (1);
 - (b) after that paragraph insert—
 - “(2) For the purposes of this article—
 - (a) “violence” does not include violence that is domestic abuse;
 - (b) “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020.”
- (9) In consequence of the repeal made by subsection (3), omit the following provisions—
- (a) in Schedule 8 to the Civil Partnership Act 2004, paragraph 61;
 - (b) in Schedule 3 to the Adoption and Children Act 2002, paragraphs 89 to 92.”

Member’s explanatory statement

This New Clause makes two key changes to Part 7 of the Housing Act 1996 in relation to homelessness in England. First, it amends section 189 to give homeless victims of domestic abuse priority need for accommodation. Second, it amends Part 7 to change references to “domestic violence” to references to “domestic abuse” within the meaning of clause 1 of the Bill.

Domestic Abuse Bill, *continued*

Ms Harriet Harman
 Mark Garnier
 Laura Farris
 Caroline Nokes
 Bob Blackman
 Tim Loughton

Mr Andrew Mitchell
 Tulip Siddiq
 Tracy Brabin
 Alex Davies-Jones
 Yvonne Fovargue
 Dame Diana Johnson
 Olivia Blake
 Steven Bonnar
 Darren Jones
 Catherine West
 John Spellar
 Jack Dromey
 Meg Hillier
 Kate Osborne
 Zarah Sultana
 Dr Julian Lewis

Peter Aldous
 Yvette Cooper
 Debbie Abrahams
 Ruth Jones
 Mrs Maria Miller
 Claudia Webbe
 Ruth Cadbury
 Mr Virendra Sharma
 Andrew Gwynne
 Lilian Greenwood
 Stephen Farry
 Tony Lloyd
 Geraint Davies
 Karin Smyth
 Claire Hanna
 Damian Collins

Jess Phillips
 Rosie Duffield
 Sarah Champion
 Rosie Cooper
 Dawn Butler
 Tonia Antoniazzi
 Theo Clarke
 Sir George Howarth
 Liz Saville Roberts
 Ian Byrne
 Colum Eastwood
 Dame Margaret Hodge
 Ben Lake
 Emma Hardy
 Allan Dorans

NC4

To move the following Clause—

“No defence for consent to death

- (1) If a person (“A”) wounds, assaults or asphyxiates another person (“B”) to whom they are personally connected as defined in section 2 of this Act causing death, it is not a defence to a prosecution that B consented to the infliction of injury.
- (2) Subsection (1) applies whether or not the death occurred in the course of a sadomasochistic encounter.”

Member’s explanatory statement

This new clause would prevent consent of the victim from being used as a defence to a prosecution in domestic homicides.

Domestic Abuse Bill, *continued*

Ms Harriet Harman
 Mark Garnier
 Laura Farris
 Caroline Nokes
 Bob Blackman
 Tim Loughton

Mr Andrew Mitchell
 Tulip Siddiq
 Tracy Brabin
 Alex Davies-Jones
 Yvonne Fovargue
 Dame Diana Johnson
 Olivia Blake
 Mr Virendra Sharma
 Andrew Gwynne
 Lilian Greenwood
 Stephen Farry
 Tony Lloyd
 Geraint Davies
 Karin Smyth
 Claire Hanna
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Peter Aldous
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 Dame Margaret Hodge
 Ben Lake
 Emma Hardy
 Allan Dorans

Jess Phillips
 Rosie Duffield
 Sarah Champion
 Rosie Cooper
 Dawn Butler
 Tonia Antoniazzi
 Steven Bonnar
 Darren Jones
 Catherine West
 John Spellar
 Jack Dromey
 Meg Hillier
 Kate Osborne
 Zarah Sultana
 Dr Julian Lewis

NC5

To move the following Clause—

“No defence for consent to injury

- (1) If a person (“A”) wounds, assaults or asphyxiates another person (“B”) to whom they are personally connected as defined in section 2 of this Act causing actual bodily harm or more serious injury, it is not a defence to a prosecution that B consented to the infliction of injury or asphyxiation.
- (2) Subsection (1) applies whether or not the actual bodily harm, non-fatal strangulation, or more serious injury occurred in the course of a sadomasochistic encounter.”

Member’s explanatory statement

This new clause would prevent consent of the victim from being used as a defence to a prosecution in cases of domestic abuse which result in serious injury.

Domestic Abuse Bill, *continued*

Ms Harriet Harman
 Mark Garnier
 Laura Farris
 Caroline Nokes
 Bob Blackman
 Tim Loughton

Mr Andrew Mitchell
 Tulip Siddiq
 Tracy Brabin
 Alex Davies-Jones
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 Ian Byrne
 Colum Eastwood
 Dame Margaret Hodge
 Ben Lake
 Emma Hardy
 Allan Dorans

NC6

To move the following Clause—

“Consent of Director of Public Prosecutions

In any homicide case in which all or any of the injuries involved in the death, whether or not they are the proximate cause of it, were inflicted in the course of domestic abuse, the Crown Prosecution Service may not without the consent of the Director of Public Prosecutions, in respect of the death—

- (a) charge a person with manslaughter or any other offence less than the charge of murder, or
- (b) accept a plea of guilty to manslaughter or any other lesser offence.”

Member’s explanatory statement

This new clause would require the consent of the Director of Public Prosecutions if, in any homicide case in which any of the injuries were inflicted in the course of domestic abuse, the charge (or the plea to be accepted) is of anything less than murder.

Domestic Abuse Bill, *continued*

Ms Harriet Harman
 Mark Garnier
 Laura Farris
 Caroline Nokes
 Bob Blackman
 Tim Loughton

Mr Andrew Mitchell
 Tulip Siddiq
 Tracy Brabin
 Alex Davies-Jones
 Yvonne Fovargue
 Dawn Butler
 Tonia Antoniazzi
 Steven Bonnar
 Darren Jones
 Catherine West
 John Spellar
 Jack Dromey
 Meg Hillier
 Kate Osborne
 Zarah Sultana
 Dr Julian Lewis

Peter Aldous
 Yvette Cooper
 Debbie Abrahams
 Ruth Jones
 Sarah Owen
 Dame Diana Johnson
 Olivia Blake
 Mr Virendra Sharma
 Andrew Gwynne
 Lilian Greenwood
 Stephen Farry
 Tony Lloyd
 Geraint Davies
 Karin Smyth
 Claire Hanna
 Damian Collins

Jess Phillips
 Rosie Duffield
 Sarah Champion
 Rosie Cooper
 Mrs Maria Miller
 Claudia Webbe
 Ruth Cadbury
 Sir George Howarth
 Liz Saville Roberts
 Ian Byrne
 Colum Eastwood
 Dame Margaret Hodge
 Ben Lake
 Emma Hardy
 Allan Dorans

NC7

To move the following Clause—

“Director of Public Prosecutions consultation with victim’s family in domestic homicides

- (1) Before deciding whether or not to give consent to charging a person with manslaughter or any other offence less than the charge of murder in an offence of homicide in which domestic abuse was involved, the Director of Public Prosecutions must consult the immediate family of the deceased.
- (2) The Lord Chancellor must make arrangements, including the provision of a grant, to enable the immediate family to access legal advice prior to being consulted by the Director of Public Prosecutions under sub-section (1).”

Member’s explanatory statement

This new clause would require the Director of Public Prosecutions to consult the immediate family of the victim before charging less than murder in a domestic homicide and provide the family with legal advice so they can understand the legal background.

Domestic Abuse Bill, *continued*

Ms Harriet Harman
 Laura Farris
 Jess Phillips
 Tulip Siddiq
 Stella Creasy
 Debbie Abrahams

Helen Hayes
 Ms Angela Eagle
 Janet Daby
 Barbara Keeley
 Tonia Antoniazzi
 Mark Garnier
 Tim Loughton
 Peter Aldous
 Mr Andrew Mitchell
 Alex Davies-Jones
 Steven Bonnar
 Andrew Gwynne
 Catherine West
 John Spellar
 Jack Dromey
 Meg Hillier
 Kate Osborne
 Claire Hanna
 Damian Collins

Alison McGovern
 Dawn Butler
 Ruth Cadbury
 Rosie Cooper
 Tracy Brabin
 Rosie Duffield
 Mrs Pauline Latham
 Jackie Doyle-Price
 Yvette Cooper
 Sarah Owen
 Sir George Howarth
 Mr Virendra Sharma
 Lilian Greenwood
 Stephen Farry
 Tony Lloyd
 Geraint Davies
 Zarah Sultana
 Allan Dorans

Olivia Blake
 Ruth Jones
 Yvonne Fovargue
 Emma Hardy
 Dame Diana Johnson
 Caroline Nokes
 Mrs Maria Miller
 Bob Blackman
 Sarah Champion
 Claudia Webbe
 Darren Jones
 Liz Saville Roberts
 Ian Byrne
 Colum Eastwood
 Dame Margaret Hodge
 Ben Lake
 Karin Smyth
 Dr Julian Lewis

NC8

To move the following Clause—

“Offence of non-fatal strangulation

A person (A) commits an offence if that person unlawfully strangles, suffocates or asphyxiates another person (B), where the strangulation, suffocation or asphyxiation does not result in B’s death.”

Member’s explanatory statement

This new clause will create a new offence of non-fatal strangulation.

Domestic Abuse Bill, *continued*

Ms Harriet Harman
 Mark Garnier
 Laura Farris
 Caroline Nokes
 Bob Blackman
 Tim Loughton

Mr Andrew Mitchell
 Tulip Siddiq
 Tracy Brabin
 Alex Davies-Jones
 Yvonne Fovargue
 Dawn Butler
 Tonia Antoniazzi
 Steven Bonnar
 Darren Jones
 Catherine West
 John Spellar
 Jack Dromey
 Meg Hillier
 Kate Osborne
 Zarah Sultana
 Dr Julian Lewis

Peter Aldous
 Yvette Cooper
 Debbie Abrahams
 Ruth Jones
 Sarah Owen
 Dame Diana Johnson
 Olivia Blake
 Mr Virendra Sharma
 Andrew Gwynne
 Lilian Greenwood
 Stephen Farry
 Tony Lloyd
 Geraint Davies
 Karin Smyth
 Claire Hanna
 Damian Collins

Jess Phillips
 Rosie Duffield
 Sarah Champion
 Rosie Cooper
 Mrs Maria Miller
 Claudia Webbe
 Ruth Cadbury
 Sir George Howarth
 Liz Saville Roberts
 Ian Byrne
 Colum Eastwood
 Dame Margaret Hodge
 Ben Lake
 Emma Hardy
 Allan Dorans

NC9

To move the following Clause—

“Offence of non-fatal strangulation in domestic abuse context

A person (A) commits an offence if that person unlawfully strangles, suffocates or asphyxiates another person (B) to whom they are personally connected as defined in Section 2 of this Act, where the strangulation, suffocation or asphyxiation does not result in B’s death.”

Member’s explanatory statement

This new clause will create a new offence of non-fatal strangulation in domestic abuse offences.

Domestic Abuse Bill, *continued*

Ms Harriet Harman
 Mark Garnier
 Laura Farris
 Caroline Nokes
 Bob Blackman
 Tim Loughton

Mr Andrew Mitchell
 Tulip Siddiq
 Tracy Brabin
 Alex Davies-Jones
 Yvonne Fovargue
 Dawn Butler
 Tonia Antoniazzi
 Steven Bonnar
 Darren Jones
 Catherine West
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 Damian Collins

Jess Phillips
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 Rosie Cooper
 Mrs Maria Miller
 Claudia Webbe
 Ruth Cadbury
 Sir George Howarth
 Liz Saville Roberts
 Ian Byrne
 Colum Eastwood
 Dame Margaret Hodge
 Ben Lake
 Emma Hardy
 Allan Dorans

NC10

To move the following Clause—

“Prohibition of reference to sexual history of the deceased in domestic homicide trials

If at a trial a person is charged with an offence of homicide in which domestic abuse was involved, then—

- (a) no evidence may be adduced, and
- (b) no question may be asked in cross-examination, by or on behalf of any accused at the trial,

about any sexual behaviour of the deceased.”

Member’s explanatory statement

This new clause will prevent the victim’s previous sexual history being used as evidence to prove consent to violence in a domestic homicide case. This draws on the legislative measures in the Youth Justice and Criminal Evidence Act 1999 to prevent rape defendants raking up or inventing complainants’ previous sexual history.

Domestic Abuse Bill, *continued*

Ms Harriet Harman
 Mark Garnier
 Laura Farris
 Caroline Nokes
 Bob Blackman
 Tim Loughton

Mr Andrew Mitchell
 Tulip Siddiq
 Tracy Brabin
 Alex Davies-Jones
 Yvonne Fovargue
 Dawn Butler
 Tonia Antoniazzi
 Steven Bonnar
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 John Spellar
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Peter Aldous
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 Debbie Abrahams
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 Dame Diana Johnson
 Olivia Blake
 Mr Virendra Sharma
 Andrew Gwynne
 Lilian Greenwood
 Stephen Farry
 Tony Lloyd
 Meg Hillier
 Karin Smyth
 Claire Hanna

Jess Phillips
 Rosie Duffield
 Sarah Champion
 Rosie Cooper
 Mrs Maria Miller
 Claudia Webbe
 Ruth Cadbury
 Sir George Howarth
 Liz Saville Roberts
 Ian Byrne
 Colum Eastwood
 Dame Margaret Hodge
 Ben Lake
 Emma Hardy
 Allan Dorans

NC11

To move the following Clause—

“Anonymity for victims in domestic homicides

- (1) Where a person (“A”) has been accused of a domestic homicide offence and where the person (“B”) against whom the offence is alleged to have been committed has died in the course of sexual activity, no matter likely to lead members of the public to identify a person as B shall be included in any publication.
- (2) The matters relating to a person in relation to which the restrictions imposed by subsection (1) applies (if their inclusion in any publication is likely to have the result mentioned in that subsection) include in particular—
 - (a) the person’s name,
 - (b) the person’s address,
 - (c) the identity of any school or other educational establishment attended by the person,
 - (d) the identity of any place of work,
 - (e) any still or moving picture of the person.
- (3) If, at the commencement of the trial, any of the matters in subsection (2) have already appeared in any publication, the judge at the trial may direct that no further reference to any of these matters may be included in any publication.
- (4) If any matter is included in a publication in contravention of this section, the following persons shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale—
 - (a) where the publication is a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;
 - (b) where the publication is a relevant programme—
 - (i) anybody corporate engaged in providing the programme service in which the programme is included; and
 - (ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper;

Domestic Abuse Bill, *continued*

- (c) in the case of any other publication, any person publishing it.
- (5) For the purposes of this section—
“domestic homicide offence” means an offence of murder or manslaughter which has involved domestic abuse; a “publication” includes any speech, writing, relevant programme, social media posting or other communication in whatever form, which is addressed to the public at large or any section of the public (and for this purpose every relevant programme shall be taken to be so addressed), but does not include an indictment or other document prepared for use in particular legal proceedings.”

Member’s explanatory statement

This new clause will provide the victim of a domestic homicide with public anonymity.

Liz Saville Roberts

NC12

To move the following Clause—

“Register for domestic abuse

- (1) The Secretary of State must arrange for the creation of a register containing the name, home address and national insurance number of any person (P) convicted of an offence that constitutes domestic abuse as defined in section 1 of this Act.
- (2) Each police force in England and Wales shall be responsible for ensuring that the register is kept to date with all relevant offences committed in the police force’s area.
- (3) Each police force in England and Wales shall be responsible for ensuring that P notifies relevant police forces within 14 days if they commence a new sexual or romantic relationship.
- (4) A failure to notify the police in the circumstances set out in subsection (3) shall be an offence liable on conviction to a term of imprisonment not exceeding 12 months.
- (5) The relevant police force shall have the right to inform any person involved in a relationship with P of P’s convictions for an offence that amounts to domestic abuse as defined in section 1 of this Act.”

Member’s explanatory statement

This new clause would require that any person convicted of any offence that amounts to domestic abuse as defined in clause 1 must have their details recorded on a domestic abuse register to ensure that all the perpetrator’s subsequent partners have full access to information regarding their domestic abuse offences.

Domestic Abuse Bill, *continued*

Neil Coyle
 Bob Blackman
 Dame Cheryl Gillan
 Anthony Mangnall
 Robert Halfon
 Mr Steve Baker

Mr Ian Liddell-Grainger	Tracey Crouch	Mr Andrew Mitchell
Fiona Bruce	Mark Menzies	Gary Sambrook
Ben Everitt	Nick Fletcher	Mark Garnier
Mr William Wragg	Craig Whittaker	Bob Stewart
Stephen Crabb	Tim Loughton	Jason McCartney
Gareth Bacon	Rob Butler	Lee Anderson
Sir Mike Penning	Dr Julian Lewis	Sir Robert Neill
Martin Vickers	Mrs Pauline Latham	Rosie Duffield
Stephen Timms	Mr Clive Betts	Sarah Champion
Helen Hayes	Charlotte Nichols	Fleur Anderson
Apsana Begum	Alex Sobel	Mr Barry Sheerman
Wera Hobhouse	Munira Wilson	Christine Jardine
Layla Moran	Caroline Lucas	

NC13

To move the following Clause—

“Homelessness and domestic abuse

- (1) Part 7 of the Housing Act 1996 (Homelessness: England) is amended in accordance with subsections (2) to (5).
- (2) In section 177(1) and (1A) (whether it is reasonable to continue to occupy accommodation) for each instance of “violence” substitute “abuse”.
- (3) After section 177(1A) insert—
 - “(1B) In this Act, “abuse” means—
 - (a) physical or sexual abuse;
 - (b) violent or threatening behaviour;
 - (c) controlling or coercive behaviour;
 - (d) economic abuse (within the meaning of section 1(4) of the Domestic Abuse Act 2020);
 - (e) psychological, emotional or other abuse.”
- (4) At the end of section 189(1) (priority need for accommodation), insert—
 - “(e) a person who—
 - (i) is homeless as a result of being subject to domestic abuse, or
 - (ii) resides or might reasonably be expected to reside with a person who falls within sub-paragraph (i) and is not the abuser.”
- (5) In section 198 (referral of case to another local housing authority):
 - (a) In sub-section (2)(c) for “violence” substitute “abuse”;
 - (b) In sub-section (2ZA)(b) for “violence” substitute “abuse”;
 - (c) In sub-section (2A) for “violence (other than domestic violence)” substitute “abuse (other than domestic abuse)”;
 - (d) In sub-section (3) for “violence” substitute “abuse”.
- (6) Article 6 of the Homelessness (Priority Need for Accommodation) (England) Order 2002, SI 2002/2051, is amended in accordance with subsection (7).
- (7) In Article 6,
 - (a) after “reason of violence” insert “(other than domestic abuse)”;

Domestic Abuse Bill, *continued*

(b) after “threats of violence” insert “(other than domestic abuse).”

Member’s explanatory statement

This new clause amends Part 7 Housing Act 1996, concerning local housing authorities’ duties to homeless applicants, for England. It updates the definition of “domestic violence” to that of “domestic abuse” and removes the requirement that a person who is homeless as a result of domestic abuse must also be vulnerable in order to have a priority need.

Caroline Lucas
Peter Kyle
Jess Phillips

NC14

☆ To move the following Clause—

“Anonymity of domestic abuse survivors in criminal proceedings

- (1) Where an allegation has been made that a relevant offence has been committed against a person, no matter relating to that person shall during that person’s lifetime be included in any publication if it is likely to lead members of the public to identify that person as the survivor.
- (2) Where a person is accused of a relevant offence, no matter likely to lead members of the public to identify the person against whom the offence is alleged to have been committed as the survivor shall during the survivor’s lifetime be included in any publication.
- (3) This section does not apply in relation to a person by virtue of subsection (1) at any time after a person has been accused of the offence.
- (4) The matters relating to a survivor in relation to which the restrictions imposed by subsection (1) or (2) apply (if their inclusion in any publication is likely to have the result mentioned in that subsection) include—
 - (a) the survivor’s name;
 - (b) the survivor’s address;
 - (c) the identity of any school or other educational establishment the survivor attended;
 - (d) the identity of any place where the survivor worked;
 - (e) any still or moving pictures of the survivor; and
 - (f) any other matter that might lead to the identification of the survivor.
- (5) At the commencement of a trial at which a person is charged with a relevant offence, the judge may issue a direction for lifting the restrictions only following an application by or on behalf of the survivor.
- (6) Any matter that is included in a publication in contravention of this section must be deleted from that publication and no further reference to the matter may be made in any publication.
- (7) If any matter is included in a publication in contravention of this section, the following persons shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale—where the publication is a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;
 - (a) where the publication is a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;
 - (b) where the publication is a relevant programme—

Domestic Abuse Bill, *continued*

- (i) any body corporate or Scottish partnership engaged in providing the programme service in which the programme is included; and
 - (ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper;
 - (c) in the case of any other publication, any person publishing it.
- (8) For the purposes of the section—
- “publication” means any material published online or in physical form as any well as any speech, writing, website, online news outlet, social media posting, relevant programme or other communication in whatever form which is addressed to the public at large or any section of the public.
- a “relevant offence” means any offence where it is alleged by the survivor that the behaviour of the accused amounted to domestic abuse.
- “survivor” means the person against whom the offence is alleged to have been committed.”

Member’s explanatory statement

This new clause provides lifetime press anonymity for survivors of domestic abuse, and reflects similar protections for survivors of sexual assault enshrined in the Sexual Offences (Amendment) Act 1992. It prevents identifiable details from be published online or in print, and creates a new offence for breaching this anonymity.

Christine Jardine
Tim Farron

NC17

- ★ To move the following Clause—

“Local Welfare Provision schemes

- (1) Every local authority in England must deliver a Local Welfare Provision scheme which provides financial assistance to victims of domestic abuse
- (2) The Secretary of State must issue guidance on the nature and scope of Local Welfare Provision schemes and review this biannually in consultation with the Domestic Abuse Commissioner and other such individuals and agencies he deems appropriate.
- (3) The Chancellor of the Exchequer must provide local authorities with additional funding designated for Local Welfare Provision, to increase per year with inflation.
- (4) For the purposes of this subsection “domestic abuse” is defined in section 1 of the Domestic Abuse Act 2020.”

Member’s explanatory statement

This new clause would allow victims of domestic abuse to access a local welfare assistance scheme in any locality across England.

Domestic Abuse Bill, *continued*

Christine Jardine
Daisy Cooper

NC18

★ To move the following Clause—

“Guidance: Child maintenance

- (1) The Secretary of State must issue guidance relating to the payment of child support maintenance where the person with care of the child is a victim of domestic abuse.
- (2) Guidance issued under this section must take account of—
 - (a) the potential for the withholding or reducing of child support maintenance to constitute economic abuse under section 1(4) of this Act;
 - (b) the need for enforcement action to prevent non-payment; and
 - (c) the difficulties faced by victims of domestic abuse in obtaining evidence to support an application for a variation of a child support maintenance calculation.
- (3) The Child Maintenance Service must have regard to any guidance issued under this section when exercising a function to which the guidance relates.
- (4) Before issuing guidance under this section, the Secretary of State must consult
 - (a) the Domestic Abuse Commissioner, and
 - (b) such other persons as the Secretary of State considers appropriate.
- (5) The Secretary of State must publish any guidance issued under this section.”

Member’s explanatory statement

This new clause would require the Secretary of State to issue guidance to the Child Maintenance Service to tackle the problem of abusers continuing economic abuse by withholding or reducing child maintenance payments.

Jess Phillips

NC19

★ To move the following Clause—

“Secretary of State’s duty to ensure effective protection and support

- (1) In exercising functions under this Act, the Secretary of State must take steps to ensure equally effective protection against domestic abuse and support for all victims of domestic abuse irrespective of their status, including steps aimed at ensuring that—
 - (a) domestic abuse is prevented;
 - (b) all victims of domestic abuse receive protection and access to specialist services;
 - (c) all perpetrators of domestic abuse are able to access quality assured perpetrator programmes;
 - (d) awareness of this Act is promoted.
- (2) In discharging the duty under subsection (1) the Secretary of State must—
 - (a) ensure that sufficient funding is provided annually to ensure that relevant public authorities can meet their statutory duties under Clause [Duty to commission specialist domestic abuse support services]; and
 - (b) take steps to ensure continuous improvement in the outcomes that are achieved.

Domestic Abuse Bill, *continued*

- (3) The outcomes in subsection 2(b) include, in particular, outcomes which demonstrate—
- (a) effective steps aimed at ensuring that domestic abuse is prevented;
 - (b) effective protection and support for persons, including children, against domestic abuse irrespective of their status;
 - (c) effective services to all adult and child victims of domestic abuse irrespective of their status;
 - (d) effective access for all perpetrators to quality assured perpetrator programmes; and
 - (e) effective steps to promote awareness of this Act.
- (4) Every three years from the date on which this section comes into force the Secretary of State must prepare, publish and lay before Parliament a strategic plan setting out their objectives, priorities and the measures they propose to take for the purpose of discharging their duty under subsection (1).
- (5) In preparing and adopting any strategic plan under subsection (4) the Secretary of State must take account of any strategy to end violence against women and girls adopted by a Minister of the Crown.
- (6) In this section—
- “quality assured” means meeting standards determined and published by the Secretary of State.
- “status” means a status for the purpose of Article 4(3) of the Council of Europe Convention on preventing and combating violence against women and domestic violence, and combined forms of any such status.
- “victims of domestic abuse” includes—
- (a) persons towards whom domestic abuse is directed, and
 - (b) persons who are reasonably believed to be at risk of domestic abuse.”

Member’s explanatory statement

These new clause would establish a clear statutory duty on public authorities in England and Wales to commission specialist support and services for all persons affected by domestic abuse, together with a duty on the Secretary of State to ensure sufficient protection and funding for the implementation of this duty.

Jess Phillips

NC20

- ★ To move the following Clause—

“Duty to commission specialist domestic abuse support services

- (1) It is the duty of relevant public authorities in England and Wales to commission sufficient specialist services for all persons affected by domestic abuse regardless of status.
- (2) To ensure compliance with the duty under subsection (1) public authorities must—
 - (a) regularly assess population and support needs changes in their area; and
 - (b) co-operate to discharge the duty.
- (3) The Secretary of State may issue regulations making provision for the resolution of disputes between public authorities relating to the discharge of the duty under subsection (1).

Domestic Abuse Bill, *continued*

- (4) In performing the duty under subsection (1) a relevant public authority must secure sufficient specialist services for (among others) the following persons—
- (a) any victim of domestic abuse aged 18 or over;
 - (b) any child aged under 18 who experiences or witnesses domestic abuse;
 - (c) any child who is a close relative of a victim of domestic abuse;
 - (d) any person aged 18 or over who exhibits abusive behaviour towards another person to whom they personally connected;
 - (e) any child aged under 18 who exhibits abusive behaviour towards another person to whom they are personally connected.
- (5) In this section—
- “abusive behaviour” is behaviour that is abusive within the definition in section 1(3).
- “close relative” includes a daughter, son, sibling, sibling-in-law, step child, step sister, step brother, foster child, niece, nephew or grandchild.
- “domestic abuse” has the meaning given in section 1.
- “personally connected” has the meaning given in section 2.
- “relevant public authorities” are public authorities with functions relevant to the provision of specialist services for victims of domestic abuse, and include but are not limited to—
- (a) Ministers of the Crown and any government department in the charge of a Minister;
 - (b) any local authority in England and Wales;
 - (c) NHS Trusts in England and Wales;
 - (d) Police and Crime Commissioners;
 - (e) Prison, Police and Probation Service.
- “specialist services” include but are not limited to the following when provided in connection to domestic abuse, whether provided by a public authority or any other person or body—
- (a) protective measures and action taken to protect persons against domestic abuse;
 - (b) residential accommodation, including refuge services;
 - (c) counselling and other support;
 - (d) advocacy services;
 - (e) access to welfare benefits;
 - (f) perpetrator programmes;
 - (g) financial support;
 - (h) legal services;
 - (i) helplines;
 - (j) services designed to meet the particular needs of a group that shares a status to ensure appropriate and effective service provision, including separate or single-sex services within the meaning given in Part 7 of Schedule 3 the Equality Act, and “communal accommodation” within the meaning given in paragraph 3 of Schedule 23 to the Equality Act 2010.
- “status” means a status for the purpose of Article 4(3) of the Council of Europe Convention on preventing and combating violence against women and domestic violence, and combined forms of any such status.
- “victims of domestic abuse” includes—
- (a) persons towards whom domestic abuse is directed, and

Domestic Abuse Bill, *continued*

- (b) persons who are reasonably believed to be at risk of domestic abuse.”

Member’s explanatory statement

These new clause would establish a clear statutory duty on public authorities in England and Wales to commission specialist support and services for all persons affected by domestic abuse, together with a duty on the Secretary of State to ensure sufficient protection and funding for the implementation of this duty.

Jess Phillips

NC21

- ★ To move the following Clause—

“Duty of the Secretary of State to take account of matters relating to gender

It shall be the duty of the Secretary of State in performing functions under this Act to take account of the point that domestic abuse is a subset of violence against women and girls, which affects women disproportionately.”

Member’s explanatory statement

This new clause establishes the gendered nature of domestic abuse in statute.

Jess Phillips

NC22

- ★ To move the following Clause—

“Children affected by domestic abuse: NHS waiting lists

The Secretary of State must by regulations ensure that children who move to a different area after witnessing or being otherwise affected by domestic abuse as defined by section 1 of this Act are not disadvantaged in respect of their position on any NHS waiting lists.”

Jess Phillips

NC23

- ★ To move the following Clause—

“Children witnessing domestic abuse: school admissions

The Secretary of State must by regulations require admissions authorities of all mainstream schools to give the highest priority in their oversubscription criteria to children who have moved as a consequence of witnessing or being otherwise affected by domestic abuse.”

Domestic Abuse Bill, *continued*

Jess Phillips

NC24

★ To move the following Clause—

“Assess the Impact of Welfare Reforms on Survivors of Domestic Abuse

- (1) It is the duty of the Department for Work and Pensions, in conjunction with the relevant government departments, in developing welfare reform policies, to assess the impact of such policies on individuals who are or are likely to become victims of domestic abuse within the meaning of section 1 of this Act, and to promote their wellbeing through those policies.
- (2) “Wellbeing”, for the purposes of subsection (1) above, relates to any of the following—
 - (a) Physical and mental health and emotional wellbeing;
 - (b) Protection from abuse and neglect;
 - (c) Control over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided);
 - (d) Participation in work, education, training or recreation;
 - (e) Social and economic wellbeing; and
 - (f) Suitability of living accommodation.
- (3) In exercising this duty under subsection (1) above, the Government must have regard to the following matters in particular—
 - (a) the importance of individuals who are or are likely to become victims of domestic abuse within the meaning of section 1 of this Act being able to escape abusive relationships;
 - (b) the importance of individuals who are or are likely to become victims of domestic abuse within the meaning of s. 1 of this Act being able to become economically independent of the perpetrator(s) of abuse; and
 - (c) the importance of individuals who are or are likely to become victims of domestic abuse within the meaning of s. 1 of this Act being able to rebuild their lives.”

Member’s explanatory statement

This new clause seeks to create a duty to assess the impact of welfare reforms on survivors of domestic abuse, and to ensure welfare policies that promote their wellbeing.

Domestic Abuse Bill, *continued*Peter Kyle
Jess Phillips

NC25

- ★ To move the following Clause—

“Repeal of provisions about defence for controlling or coercive behaviour offence”

In section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship), omit subsections (8) to (10) (which make provision for a defence in proceedings for an offence under that section).”

Member’s explanatory statement

This new clause seeks to repeal the ‘carers’ defence’ for the offence of controlling or coercive behaviour in intimate or family relationships.

Jess Phillips

NC26

- ★ To move the following Clause—

“Publish statutory standards

It is the duty of the Home Secretary to consult on and publish statutory standards in furtherance of section 32 (ii) within 12 months of royal assent to this act, and to review these standards at least once every 3 years.”

Member’s explanatory statement

These amendments seek to ensure that all interventions designed to address abusive behaviour, that are imposed by DAPO’s, are of a quality assured standard, as made clear under published statutory standards.

Jess Phillips

NC27

- ★ To move the following Clause—

“A strategic plan for perpetrators of domestic abuse

Within one year of the passing of this Act, the Government must lay before Parliament a comprehensive perpetrator strategy for domestic abuse to improve the identification and assessment of perpetrators, increase the number of rehabilitation programmes, and increase specialist work to tackle abusive attitudes and behaviour.”

Domestic Abuse Bill, *continued*

Jess Phillips

NC28

- ★ To move the following Clause—

“Controlling or coercive behaviour offence

- (1) In Part 5 (protection of children and others) of the Serious Crime Act 2015, section 76 (controlling or coercive behaviour in an intimate or family relationship) is amended as follows.
- (2) For subsection (2) substitute—
 - “(2) “Personally connected” has the meaning set out in section 2 of the Domestic Abuse Act 2020.”
- (3) Omit subsections (6) and (7).”

Member’s explanatory statement

This new clause would ensure that those who were previously personally connected are protected from coercive and controlling behaviour (including economic abuse) that occurs post-separation.

Jess Phillips

NC29

- ★ To move the following Clause—

“Domestic Abuse: immigration and nationality legal aid

- (1) The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows: in Part 1 of Schedule 1, delete paragraphs 28 and 29 and insert—

“Immigration and nationality: victims of domestic abuse

- 27A (1) Civil legal services provided to a victim of domestic abuse in relation to rights to enter, and to remain in, the United Kingdom and to British citizenship, but only in circumstances arising from that abuse.

General exclusions

- (2) Sub-paragraph (1) is subject to the exclusions in Parts 2 and 3 of this Schedule.

Specific exclusion

- (3) The services described in sub-paragraph (1) do not include attendance at an interview conducted on behalf of the Secretary of State with a view to reaching a decision on an application.

Definitions

- (4) In this paragraph—
 - “domestic abuse” has the same meaning as in section 1 of the Domestic Abuse Act 2020;
 - “victim” includes the dependent child of a person who is a victim of domestic abuse.”

Domestic Abuse Bill, continued
Member's explanatory statement

These new clause would provide for legal aid for survivors of domestic abuse (and their dependent children) in relation to their immigration or nationality status or rights insofar as the need for legal aid arises from the abuse'

Peter Kyle
Jess Phillips

NC30

★ To move the following Clause—

“Use of bail in domestic abuse cases

- (1) Section 34 of the Police and Criminal Evidence Act 1984 (limitations on police detention) is amended as follows.
- (2) In subsection (5)(a) for the word “applies” substitute “or subsection (5AB) applies”.
- (3) In subsection (5)(b) for the word “applies” substitute “or subsection (5AB) applies”.
- (4) In subsection (5A) insert after the words “applies if”, “subsection (5AB) does not apply and”.
- (5) After subsection (5A) insert—

- “(5AB) (a) This subsection applies if—
- (i) it appears to the custody officer that there is need for further investigation of any matter in connection with which the person was detained at any time during the period of the person’s detention; and
 - (ii) the offence under investigation is an offence that amounts to domestic abuse as defined in section 1 of the Domestic Abuse Act 2020;
- (b) save that the person shall be released without bail if the custody officer is satisfied that releasing the person on bail is not necessary and proportionate in all the circumstances (having regard, in particular, to any conditions of bail which would be imposed and to the importance of protecting the complainant);
- (c) before making a determination to release without bail or a determination as to any conditions of bail to impose, the custody officer shall conduct an assessment of the risks posed by not releasing the person on bail (including, in particular, to the complainant);
- (d) before making a determination of a kind referred to in paragraph (c) the custody officer must inform—
- (i) the person or the person’s legal representative and consider any representations made by the person or the person’s legal representative; and
 - (ii) the complainant or the complainant’s representative and consider any representations made by the complainant or the complainant’s representative; and
- (e) an officer of the rank of inspector or above must authorise the release on bail (having considered any representations made by

Domestic Abuse Bill, *continued*

the person or the person’s legal representative and by the complainant or the complainant’s representative).”

Member’s explanatory statement

These new clause reverses the presumption against use of bail in the 2017 Act for these categories of offences, and introduces a risk assessment with prior consultation with the parties.

Peter Kyle
Jess Phillips

NC31

★ To move the following Clause—

“Initial bail period for domestic abuse cases

- (1) Section 47ZB of the Police and Criminal Evidence Act 1984 is amended as follows.
- (2) After subsection (1)(a) insert—
 - “(ab) in a DA case, the period of 3 months beginning with the person’s bail start date, or”
- (3) After subsection (4)(c) insert—
 - “(2) A “DA case” is a case in which—
 - (a) the relevant offence in relation to the person falls within the definition of “domestic abuse” in section 1 of the Domestic Abuse Act 2020, and
 - (b) a senior officer confirms that sub-paragraph (i) applies.”

Member’s explanatory statement

This new clause provides for an extension that would maintain bail for the duration of the pre-charge period, and remove the need for extensions, in most cases. This will also reduce the demand on police forces caused by processing bail extensions.

Jess Phillips
Peter Kyle

NC32

★ To move the following Clause—

“Serving a court order on a person who has been subject to domestic abuse and is residing at a refuge

- (1) If a court order is to be served on a person [P] who has been subject to domestic abuse as defined in section 1 of this Act and who is residing at a refuge, the court order—
 - (a) must not be served on P at the residential address of the refuge, except if a court has ordered that it can be in the circumstances set out in subsection (3); but
 - (b) can be served on P at the refuge’s office address or by an alternative method or at an alternative place, in accordance with part 6 of the Family Procedure Rules 2010.

Domestic Abuse Bill, *continued*

- (2) The address of the refuge in subsection (1) shall not be given to any individual or third party without the express permission of the court.
- (3) Where attempts to serve the court order by the alternative means referred to in subsection (1)(b) have been unsuccessful, an application may be made to the court to serve the court order on P at the refuge's residential address.
- (4) An application under subsection (3) must state—
 - (a) the reason why an order can only be served at the refuge's residential address;
 - (b) what alternative methods have been proposed and the consequences; and
 - (c) why the applicant believes that the order is likely to reach P if the order is served at the refuge's residential address."

Member's explanatory statement

This amendment seeks to ensure that, where a victim of domestic abuse is residing in a refuge, the address of that refuge cannot be revealed as part of a service order or location order without express permission of the court.

ORDER OF THE HOUSE [28 APRIL 2020]

That the following provisions shall apply to the Domestic Abuse Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 25 June 2020.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.

NOTICES WITHDRAWN

The following Notices were withdrawn on 20 May 2020:

NC1, NC2, NC3