



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Wednesday 20 May 2020**

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*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: NC4 to NC11*

### **PUBLIC BILL COMMITTEE**

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### **DOMESTIC ABUSE BILL**

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#### **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**This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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 Order to be proposed by Victoria Atkins and Alex Chalk.**

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Victoria Atkins  
Alex Chalk

To move, That the Bill be considered in the following order, namely: 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.

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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.

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 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.

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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

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

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

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

Philip Davies  
Bob Stewart

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

8

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**Domestic Abuse Bill, *continued***

- (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

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

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.*

Philip Davies  
Bob Stewart

11

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

**Member’s explanatory statement**

*This amendment is consequential upon Amendment 10.*

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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.*

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 Domestic Abuse Bill, *continued*

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 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.*

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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.*

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.*

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.*

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 Domestic Abuse Bill, *continued*

- 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.*
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- 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.*
- 
- 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.*

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**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

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.*

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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.*

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Domestic Abuse Bill, *continued*

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

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.*

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

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.*

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**Domestic Abuse Bill, *continued***

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

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.*

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

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.*

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**Domestic Abuse Bill, continued**

Ms Harriet Harman  
Laura Farris  
Jess Phillips  
Tulip Siddiq  
Stella Creasy  
Ms Karen Buck

Debbie Abrahams  
Olivia Blake  
Ruth Jones  
Yvonne Fovargue  
Emma Hardy  
Dame Diana Johnson  
Caroline Nokes  
Mrs Maria Miller  
Bob Blackman

Helen Hayes  
Ms Angela Eagle  
Janet Daby  
Barbara Keeley  
Tonia Antoniazzi  
Mark Garnier  
Tim Loughton  
Peter Aldous

Alison McGovern  
Dawn Butler  
Ruth Cadbury  
Rosie Cooper  
Tracy Brabin  
Rosie Duffield  
Mrs Pauline Latham  
Jackie Doyle-Price

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.*

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

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.*

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**Domestic Abuse Bill, *continued***

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

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.*

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

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.

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**Domestic Abuse Bill, *continued***

- (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;
  - (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.*

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## 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.

**Domestic Abuse Bill, *continued***

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.
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**NOTICES WITHDRAWN**

*The following Notices were withdrawn on 20 May 2020:*

NC1, NC2, NC3

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