



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Thursday 11 June 2020

New Amendments handed in are marked thus ★

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

PUBLIC BILL COMMITTEE

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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 Order of the Committee [4 June 2020].

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.

Domestic Abuse Bill, *continued*

Jess Phillips

55

- Clause 66, page 49, line 42, after “children” insert “;
- (c) the support employers should provide to victims of domestic abuse, including through the provisions of paid leave.”

Member’s explanatory statement

This amendment would ensure that employers are provided with guidance about the support they should provide to victims of domestic abuse, including provision of paid leave.

Christine Jardine
Liz Saville Roberts
Sarah Champion

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.
- (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.

Stella Creasy
Christine Jardine
Liz Saville Roberts

84

- Clause 66, page 49, line 42, at end insert—
- “(2A) The Secretary of State must issue guidance under this section which takes account of evidence about the relationship between domestic abuse and offences involving hostility based on sex.
- (2B) In preparing guidance under subsection (2A) the Secretary of State must require the chief officer of police of any police force to provide information relating to—
- (a) the number of relevant crimes reported to the police force; and
- (b) the number of relevant crimes reported to the police force which, in the opinion of the chief officer of police, have also involved domestic abuse.

Domestic Abuse Bill, *continued*

- (2C) In this section—
- “chief officer of police” and “police force” have the same meaning as in section 64 of this Act;
 - “domestic abuse” has the same meaning as in section 1 of this Act;
 - “relevant crime” means a reported crime in which—
 - (a) the victim or any other person perceived the alleged offender, at the time of or immediately before or after the offence, to demonstrate hostility or prejudice based on sex,
 - (b) the victim or any other person perceived the crime to be motivated (wholly or partly) by hostility or prejudice towards persons who are of a particular sex, or
 - (c) the victim or any other person perceived the crime to follow a course of conduct pursued by the alleged offender towards the victim that was motivated by hostility based on sex;
- “sex” has the same meaning as in section 11 of the Equality Act 2010.”

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.”
- (6) In section 198 (referral of case to another local housing authority)—

Domestic Abuse Bill, *continued*

- (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
 Richard Graham
 Fleur Anderson
 Helen Hayes
 Christina Rees

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
 Richard Burgon
 Sarah Olney
 Mrs Pauline Latham
 David Johnston

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
 Mohammad Yasin
 Dr Lisa Cameron
 Steve McCabe
 Jonathan Gullis

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
 Damian Collins
 Richard Burgon
 Sarah Olney
 Mrs Pauline Latham

Peter Aldous
 Yvette Cooper
 Debbie Abrahams
 Ruth Jones
 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
 Mohammad Yasin
 Dr Lisa Cameron
 Steve McCabe
 Christina Rees

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
 Richard Graham
 Fleur Anderson
 Helen Hayes
 David Johnston

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
 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
 Richard Graham
 Fleur Anderson
 Helen Hayes

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
 Richard Burgon
 Sarah Olney
 Mrs Pauline Latham

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
 Mohammad Yasin
 Dr Lisa Cameron
 Steve McCabe
 Christina Rees

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
 Richard Graham
 Fleur Anderson
 Helen Hayes

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
 Richard Burgon
 Sarah Olney
 Mrs Pauline Latham

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
 Mohammad Yasin
 Dr Lisa Cameron
 Steve McCabe
 Christina Rees

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
 Richard Burgon
 Sarah Olney

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
 Mohammad Yasin
 Dr Lisa Cameron
 Steve McCabe

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
 Richard Graham
 Fleur Anderson
 Christina Rees

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
 Julian Lewis
 Richard Graham
 Fleur Anderson
 Helen Hayes
 Christina Rees

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
 Damian Collins
 Richard Burgon
 Sarah Olney
 Stella Creasy

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
 Mohammad Yasin
 Dr Lisa Cameron
 Steve McCabe
 Mrs Pauline Latham

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
 John Spellar
 Jack Dromey
 Meg Hillier
 Kate Osborne
 Zarah Sultana
 Dr Julian Lewis
 Richard Graham
 Fleur Anderson
 Helen Hayes

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
 Richard Burgon
 Sarah Olney
 Mrs Pauline Latham

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
 Mohammad Yasin
 Dr Lisa Cameron
 Steve McCabe
 Christina Rees

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
 Darren Jones
 Catherine West
 John Spellar
 Jack Dromey
 Geraint Davies
 Kate Osborne
 Zarah Sultana
 Damian Collins
 Richard Burgon
 Sarah Olney
 Mrs Pauline Latham

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
 Meg Hillier
 Karin Smyth
 Claire Hanna
 Mohammad Yasin
 Dr Lisa Cameron
 Steve McCabe
 Christina Rees

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
 Richard Graham
 Fleur Anderson
 Helen Hayes

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

Domestic Abuse Bill, *continued*

- (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.

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
 Fiona Bruce
 Ben Everitt
 Mr William Wragg
 Stephen Crabb
 Gareth Bacon
 Sir Mike Penning
 Martin Vickers
 Stephen Timms
 Helen Hayes
 Apsana Begum
 Wera Hobhouse
 Layla Moran

Tracey Crouch
 Mark Menzies
 Nick Fletcher
 Craig Whittaker
 Tim Loughton
 Robert Butler
 Dr Julian Lewis
 Mrs Pauline Latham
 Mr Clive Betts
 Charlotte Nichols
 Alex Sobel
 Munira Wilson
 Caroline Lucas

Mr Andrew Mitchell
 Gary Sambrook
 Mark Garnier
 Bob Stewart
 Jason McCartney
 Lee Anderson
 Sir Robert Neill
 Rosie Duffield
 Sarah Champion
 Fleur Anderson
 Mr Barry Sheerman
 Christine Jardine

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”.

Domestic Abuse Bill, continued

- (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)”;
 - (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
Christine Jardine

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

Domestic Abuse Bill, *continued*

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—
 - (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
Stephen Timms
Debbie Abrahams

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.

Domestic Abuse Bill, continued

- (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.

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;

Domestic Abuse Bill, *continued*

- (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.
- (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

This 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.

Domestic Abuse Bill, *continued*

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).
- (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 are 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 with 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;

Domestic Abuse Bill, *continued*

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

Member’s explanatory statement

This 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
Stella Creasy

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.

Domestic Abuse Bill, *continued*

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.”

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;

Domestic Abuse Bill, *continued*

- (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.

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 33(2)(b) within 12 months of royal assent to this act, and to review these standards at least once every 3 years.”

Member’s explanatory statement

This new clause is contingent upon Amendment 51 and seeks 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.

Domestic Abuse Bill, *continued*

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.”

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.

Domestic Abuse Bill, continued*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.””

Member’s explanatory statement

This 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);

Domestic Abuse Bill, continued

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

Member’s explanatory statement

This 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.

Domestic Abuse Bill, *continued*

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.
- (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.

Peter Kyle
Jess Phillips
Christine Jardine

NC33

To move the following Clause—

“Reasonable force in domestic abuse cases

- (1) Section 76 of the Criminal Justice and Immigration Act 2008 is amended as follows.
- (2) In subsection 76(5A) after “In a householder case” insert “or a domestic abuse case”.
- (3) In subsection 76(6) after “In a case other than a householder case” insert “or a domestic abuse case”.
- (4) After subsection 76(8F) insert—
 - “(8G) For the purposes of this section “a domestic abuse case” is a case where—
 - (a) the defence concerned is the common law defence of self-defence;

Domestic Abuse Bill, continued

- (b) D is, or has been, a victim of domestic abuse;
 - (c) the force concerned is force used by D against the person who has perpetrated the abusive behaviour referred to at subsection (8G)(b);
 - (d) subsection (8G)(b) will only be established if the behaviour concerned is, or is part of, conduct which constitutes domestic abuse as defined in sections 1 and 2 of the Domestic Abuse Act 2020, including but not limited to conduct which constitutes the offence of controlling or coercive behaviour in an intimate or family relationship as defined in section 76 of the Serious Crime Act 2015.”
- (5) In subsection 76(9) after “This section, except so far as making different provision for householder cases” insert “and domestic abuse cases”.

Member’s explanatory statement

This new clause seeks to clarify the degree of force which is reasonable under the common law of self-defence where the defendant is a survivor of domestic abuse.

Peter Kyle
Jess Phillips

NC34

To move the following Clause—

“Proceedings under the Children Act 1989

- (1) Part I of the Children Act 1989 is amended as follows.
- (2) In section 1 (the welfare of the child) after subsection (2B) insert—
 - “(2C) Subsection (2A) shall not apply in relation to a parent where there has been domestic abuse which has affected the child or other parent.
 - (2D) Evidence of domestic abuse may be provided in one or more of the forms set out in regulation 33(2) of the Civil Legal Aid (Procedure) Regulations 2012.”
- (3) Part II of the Children Act 1989 is amended as follows.
- (4) In section 9 (restrictions on making section 8 orders) after subsection (7) insert—
 - “(8) No court shall make a section 8 order for a child to spend unsupervised time with or have unsupervised contact with a parent who is—
 - (a) awaiting trial, or on bail for, a domestic abuse offence, or
 - (b) involved in ongoing criminal proceedings for a domestic abuse offence.
 - (9) In subsection (8)—
 - “unsupervised” means where a court approved third party is not present at all times during contact with the parent to ensure the physical safety and emotional wellbeing of a child;
 - “domestic abuse offence” means an offence which the Crown Prosecution Service alleges to have involved domestic abuse.”

Member’s explanatory statement

This new clause seeks to change the presumption that parental involvement furthers the child’s welfare when there has been domestic abuse. It also prohibits unsupervised contact for a parent awaiting trial or on bail for domestic abuse offences, or where there are ongoing criminal proceedings for domestic abuse.

Domestic Abuse Bill, *continued*

Jess Phillips
Christine Jardine

NC35

To move the following Clause—

“Victims of domestic abuse: leave to remain

- (1) The Secretary of State must, within 3 months of this Act being passed, lay a statement of changes in rules made under section 3(2) of the Immigration Act 1971 (“the immigration rules”) to make provision for leave to remain to be granted to any person subject to immigration control who is a victim of domestic abuse in the United Kingdom.
- (2) The statement laid under subsection (1) must set out rules for the granting of indefinite leave to remain to any person subject to immigration control who is a victim of domestic abuse in the United Kingdom; and the statement must provide for those rules to be commenced no later than one month of the laying of the statement.
- (3) The Secretary of State must make provision for granting limited leave to remain for a period of no less than 6 months to any person eligible to make an application under the immigration rules for the purposes of subsection (2); and such leave shall include no condition under section 3(1)(c)(i), (ia), (ii) or (v) of the Immigration Act 1971.
- (4) The Secretary of State must make provision for extending limited leave to remain granted in accordance with subsection (3) to ensure that leave continues throughout the period during which an application made under the immigration rules for the purposes of subsection (2) remains pending.
- (5) Where subsection (6) applies, notwithstanding any statutory or other provision, no services shall be withheld from a victim of domestic abuse solely by reason of that person not having leave to remain or having leave to remain subject to a condition under section 3(1)(c) of the Immigration Act 1971.
- (6) This subsection applies where a provider of services is satisfied that the victim of domestic abuse is eligible to make an application to which subsection (3) refers.
- (7) The Secretary of State must, for the purposes of subsection (5), issue guidance to providers of services about the assessment of eligibility to make an application to which subsection (3) refers.
- (8) In this section an application is pending during the period—
 - (a) beginning when it is made,
 - (b) ending when it is finally decided, withdrawn or abandoned, and an application is not finally decided while an application for review or appeal could be made within the period permitted for either or while any such review or appeal remains pending (meaning that review or appeal has not been finally decided, withdrawn or abandoned);

“person subject to immigration control” means a person in the United Kingdom who does not have the right of abode;

“provider of services” includes both public and private bodies;

“services” includes accommodation, education, employment, financial assistance, healthcare and any service provided exclusively or particularly to survivors of domestic abuse.”

Member’s explanatory statement

This new clause would make provision in the immigration rules for the granting of indefinite leave to remain to migrant survivors of domestic abuse and limited leave to remain to a survivor who is eligible to make an application for indefinite leave to remain.

Domestic Abuse Bill, *continued*

Jess Phillips
Christine Jardine

NC36

To move the following Clause—

“Recourse to public funds for domestic abuse survivors

- (1) The Immigration Acts are amended as follows.
- (2) In section 115 of the Immigration and Asylum Act 1999 after subsection (10) insert—
 - “(11) This section does not apply to a person who is a victim of domestic abuse in the United Kingdom.”
- (3) In paragraph 2(1) of Schedule 3 to the Nationality, Immigration and Asylum Act 2002 after sub-paragraph (b) insert—
 - “(ca) to a person who is a victim of domestic abuse in the United Kingdom, or”
- (4) In section 21 of the Immigration Act 2014 at the end of subsection (3) insert “or if P is a victim of domestic abuse”.
- (5) In section 3 of the Immigration Act 1971 after subsection (1) insert—
 - “(1A) The Secretary of State may not make or maintain a condition under subsection (1)(c)(ii) on leave granted to a victim of domestic abuse in the United Kingdom; and it is not a breach of the immigration laws or rules for such a victim to have recourse to public funds.”
- (6) For the purposes of this section, evidence that domestic abuse has occurred may consist of one or more of the following—
 - (a) a relevant conviction, police caution or protection notice;
 - (b) a relevant court order (including without notice, *ex parte*, interim or final orders), including a non-molestation undertaking or order, occupation order, domestic abuse protection order, forced marriage protection order or other protective injunction;
 - (c) evidence of relevant criminal proceedings for an offence concerning domestic violence or a police report confirming attendance at an incident resulting from domestic abuse;
 - (d) evidence that a victim has been referred to a multi-agency risk assessment conference;
 - (e) a finding of fact in the family courts of domestic abuse;
 - (f) a medical report from a doctor at a UK hospital confirming injuries or a condition consistent with being a victim of domestic abuse;
 - (g) a letter from a General Medical Council registered general practitioner confirming that he or she is satisfied on the basis of an examination that a person had injuries or a condition consistent with those of a victim of domestic abuse;
 - (h) an undertaking given to a court by the alleged perpetrator of domestic abuse that he or she will not approach the applicant who is the victim of the abuse;
 - (i) a letter from a social services department confirming its involvement in providing services to a person in respect of allegations of domestic abuse;
 - (j) a letter of support or a report from a domestic abuse support organisation; or
 - (k) other evidence of domestic abuse, including from a counsellor, midwife, school, witness or the victim.

Domestic Abuse Bill, *continued*

- (7) For the purposes of this section—
 “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.”

Member’s explanatory statement

This new clause seeks to ensure that certain provisions under the Immigration Acts – including exclusion from public funds, certain types of support and assistance and the right to rent – do not apply to survivors of domestic abuse.

Jess Phillips
Christine Jardine

NC37

To move the following Clause—

“Victims of domestic abuse: data-sharing for immigration purposes

- (1) The Secretary of State must make arrangements to ensure that personal data of a victim of a domestic abuse in the United Kingdom that is processed for the purpose of that person requesting or receiving support or assistance related to domestic abuse is not used for any immigration control purpose without the consent of that person.
- (2) The Secretary of State must make arrangements to ensure that the personal data of a witness to domestic abuse in the United Kingdom that is processed for the purpose of that person giving information or evidence to assist the investigation or prosecution of that abuse, or to assist the victim of that abuse in any legal proceedings, is not used for any immigration control purpose without the consent of that person.
- (3) Paragraph 4 of Schedule 2 to the Data Protection Act 2018 shall not apply to the personal data to which subsection (1) or (2) applies.
- (4) For the purposes of this section, the Secretary of State must issue guidance to—
 - (a) persons from whom support or assistance may be requested or received by a victim of domestic abuse in the United Kingdom;
 - (b) persons exercising any function of the Secretary of State in relation to immigration, asylum or nationality; and
 - (c) persons exercising any function conferred by or by virtue of the Immigration Acts on an immigration officer.
- (5) For the purposes of this section—
 “consent” means a freely given, specific, informed and unambiguous indication of the victim or witness, by an express statement of that person signifying agreement to the processing of the personal data for the relevant purpose;

Domestic Abuse Bill, continued

“immigration control purpose” means any purpose of the functions to which subsection (4)(ii) and (iii) refers; “support or assistance” includes the provision of accommodation, banking services, education, employment, financial or social assistance, healthcare and policing services; and any function of a court or prosecuting authority;

“victim” includes any dependent of a person, at whom the domestic abuse is directed, where that dependent is affected by that abuse.”

Member’s explanatory statement

This new clause would require the Secretary of State to make arrangements to ensure that the personal data of migrant survivors of domestic abuse that is given or used for the purpose of their seeking or receiving support and assistance is not used for immigration control purposes.

Jess Phillips

NC38

To move the following Clause—

“Social Security: Exemption from repaying benefit advances

- (1) The Social Security (Payments on Account of Benefit) Regulations 2013 are amended as follows.
- (2) In regulation 7 (definition of financial need), after paragraph (3) insert—
 - “(4A) It shall be presumed for the purposes of this section that A is in financial need where A—
 - (a) is or has recently been a victim of domestic abuse; and
 - (b) provides evidence of the domestic abuse in one of more of the forms set out in regulation 33(2) of the Civil Legal Aid (Procedure) Regulations 2012.
 - (5) A has recently been a victim of domestic abuse if a period of 12 months has not expired since the domestic abuse was inflicted or threatened.
 - (6) For the purposes of this section—
 - (a) “domestic abuse” has the meaning set out in section 1 of the Domestic Abuse Act 2020;
 - (b) “victim of domestic abuse” means a person on or against whom domestic abuse is inflicted or threatened.””
- (3) In regulation 10 (Bringing payments on account of benefit into account), after subparagraph (b) insert—
 - “(c) In the case of a payment on account of benefit made to a person who can provide evidence of being or having recently been a victim of domestic abuse, subsections (a) and (b) shall not apply.
 - (d) A person has recently been a victim of domestic abuse if a period of 12 months has not expired since the domestic abuse was inflicted or threatened.

Domestic Abuse Bill, *continued*

- (e) For the purposes of this section—
 “domestic abuse” has the meaning set out in section 1 of the Domestic Abuse Act 2020;
 “victim of domestic abuse” means a person on or against whom domestic abuse is inflicted or threatened.
- (f) For the purposes of this section, evidence of being of having recently been a victim of domestic abuse must be provided in one of more of the forms set out in regulation 33(2) of the Civil Legal Aid (Procedure) Regulations 2012.”

Jess Phillips

NC39

To move the following Clause—

“Universal Credit: Exemption from repaying hardship payments

- (1) The Social Security (Payments on Account of Benefit) Regulations 2013 are amended as follows.
- (2) In regulation 116 (Conditions for hardship payments), subparagraph (1)(f), after (c) leave out “and
 “(g) the Secretary of State is satisfied that the single claimant or each joint claimant is in hardship”
 and insert—
 “(g) the claimant is or has recently been a victim of domestic abuse;
 and
 (h) the Secretary of State is satisfied that the single claimant or each joint claimant is in hardship.
- (2) For the purposes of paragraph 1(g) a person has recently been a victim of domestic abuse if a period of 12 months has not expired since the domestic abuse was inflicted or threatened.”
- (3) In regulation 116 (Conditions for hardship payments), after paragraph (3)(d) insert—
 “(4) In this regulation—
 “domestic abuse” has the meaning as set out in section 1 of the Domestic Abuse Act 2020;
 “victim of domestic abuse” means a person on or against whom domestic abuse is inflicted or threatened.””

Domestic Abuse Bill, *continued*

Jess Phillips

NC40

To move the following Clause—

“Social Security: Exemption from repaying benefit advances

- (1) The Social Security (Payments on Account of Benefit) Regulations 2013 are amended as follows.
 - (2) In regulation 12 (Conditions for payment of budgeting advances), after paragraph (2) insert—
 - “(2A) Where B is or has recently been a victim of domestic abuse, subparagraphs (c), (d) and (e) shall not apply.
 - (2B) B has recently been a victim of domestic abuse if—
 - (a) a period of 12 months has not expired since the domestic abuse was inflicted or threatened, and
 - (b) B is able to provide evidence of the domestic abuse in one of more of the forms set out in regulation 33(2) of the Civil Legal Aid (Procedure) Regulations 2012.
 - (2C) For the purposes of this section—
 - (a) “domestic abuse” has the meaning set out in section 1 of the Domestic Abuse Act 2020;
 - (b) “victim of domestic abuse” means a person on or against whom domestic abuse is inflicted or threatened.””
-

Jess Phillips

NC41

To move the following Clause—

“Housing benefit: exemption from benefit cap

- (1) The Housing Benefit Regulations 2006 are amended as follows.
- (2) In Regulation 75A, omit “or 75F” and insert “, 75F or 75FA”.
- (3) After Regulation 75F, insert—

“75FA Exception to the benefit cap: domestic abuse

- (1) The benefit cap does not apply to a person (P) who is or is likely to become a victim of domestic abuse or where the victim of domestic abuse has fled domestic abuse within the previous two years.
- (2) Subparagraph (1) applies where P provides evidence of having experienced domestic abuse or being at risk of domestic abuse in one of more of the forms set out in regulation 33(2) of the Civil Legal Aid (Procedure) Regulations 2012.

Domestic Abuse Bill, *continued*

- (3) The exception in subparagraph (1) above will last for a period of two years from the date on which the person became eligible for the exception.
 - (4) “Domestic abuse” has the meaning set out in section 1 of the Domestic Abuse Act 2020.”
-

Jess Phillips

NC42

To move the following Clause—

“Joint tenancies: removal of a tenant

- (1) This section applies where there are two or more joint tenants under a secure or assured tenancy and the landlord is a local housing authority or a private registered provider of social housing.
- (2) If one joint tenant (“A”) has experienced domestic abuse from another joint tenant (“B”) then A may apply to the county court for an order B is removed as a joint tenant.
- (3) For the purposes of subsection (2) it sufficient that the domestic abuse was directed at A or to anyone who might reasonably be expected to reside with A.
- (4) On such an application, the court must take the following approach—
 - (a) the court must be satisfied that the tenancy is affordable for A, or will be so within a reasonable period of time;
 - (b) if the court is so satisfied, then—
 - (i) if B has been convicted of an offence related to domestic abuse as against A or anyone who might reasonably be expected to reside with A, the court must make an order under this section;
 - (ii) if B has been given a domestic abuse protection notice under section 19, or a domestic abuse protection order has been made against B under section 25, or B is currently subject to an injunction or restraining order in relation to A, or a person who might be reasonably expected to reside with A, the court may make an order under this section.
 - (c) for the purposes of subsection 4(b)(ii), the court must adopt the following approach—
 - (i) if B does not oppose the making of such an order, then the court must make it.
 - (ii) if B does oppose the making of such an order then it is for B to satisfy the court that – as at the date of the hearing - there are exceptional circumstances which mean that the only way to do justice between A and B is for the order to be refused.
 - (d) if the application does not fall within subsection (b), then the court may make such an order if it thinks it fit to do so.
- (5) Where A has made such an application to the court, any notice to quit served by B shall be of no effect until determination of A’s application or any subsequent appeal.
- (6) Notwithstanding any rule of common law to the contrary, the effect of an order under this section is that the tenancy continues for all purposes as if B had never been a joint tenant.

Domestic Abuse Bill, *continued*

- (7) For the purposes of this section, an “offence related to domestic abuse” means an offence that amounts to domestic abuse within the meaning of section 1 of this Act.
- (8) In section 88(2) Housing Act 1985, after “section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.)” insert “, or section [*Joint tenancies: removal of a tenant*] Domestic Abuse Act 2020,”.
- (9) In section 91(3)(b) Housing Act 1985, after subsection (iv), add “(v) section [*Joint tenancies: removal of a tenant*] Domestic Abuse Act 2020.”
- (10) In section 99B(2) of the Housing Act 1985 (persons qualifying for compensation for improvements) paragraph (e), after subsection (iii) add “(iv) section [*Joint tenancies: removal of a tenant*] Domestic Abuse Act 2020.”

Member’s explanatory statement

This new clause would facilitate occupiers of social housing removing one joint tenant from the tenancy agreement where there has been domestic violence. The tenancy would then continue (so preserving existing rights). The court must be satisfied that the applicant can or will be able to afford the tenancy.

Jess Phillips

NC43

To move the following Clause—

“Housing Act 1996: Removal of local connection

- (1) The Housing Act 1996 is amended as follows.
- (2) At the end of section 199 (local connection), insert—
 - “(12) A person who is or is likely to become a victim of domestic abuse, is not required to have any local connection to any authority within the meaning of section 199(1) of this Act for the purposes of his or her application.
 - (13) For the purposes of subsection 12, a person must provide evidence of domestic abuse or the risk of domestic abuse in one of more of the forms set out in regulation 33(2) of the Civil Legal Aid (Procedure) Regulations 2012.”

Member’s explanatory statement

This new clause would remove the need for a local connection for victims of domestic abuse when applying for social housing to a particular local authority.

Domestic Abuse Bill, *continued*

Jess Phillips

NC44

To move the following Clause—

“Allocation of Housing to domestic abuse victims

- (1) Section 160ZA of the Housing Act 1996 is amended as follows.
- (2) After subsection (8) insert—
 - “(8A) The Secretary of State must within two months of the Domestic Abuse Act 2020 being passed make regulations under subsection (8) to prescribe the criterion set out in subsection (8B) as a criterion that may not be used by a local housing authority in England in deciding what classes of persons are not qualifying persons.
 - (8B) The criterion is that a relevant person must have a local connection to the district of a local housing authority.
 - (8C) For the purposes of subsection (8B), a “relevant person” is a person who—
 - (a) is or has been a victim of domestic abuse within two years of the date of their application for an allocation of housing under Part 6 of the 1996 Act, and
 - (b) has recently ceased, or will cease, to reside in accommodation provided by a local authority in an area in which they have been subjected to domestic abuse and where—
 - (i) the person has fled or will flee their local area; and
 - (ii) the purpose of fleeing was or is to escape domestic abuse.
 - (8D) The regulations made under subsection (8A) must specify that a local housing authority may not consider the location or whereabouts of the perpetrator of the domestic abuse.”

Member’s explanatory statement

This new clause would remove the need for a local connection for victims of domestic abuse when applying for social housing to a particular local authority.

 Jess Phillips
 Peter Kyle

NC45

To move the following Clause—

“Special measures (civil and family proceedings): domestic abuse

- (1) In civil and family proceedings, a witness is eligible for assistance by virtue of this section if they were, or are at risk of being, the victim of domestic abuse from—
 - (a) another party to the proceedings; or
 - (b) the family member of another party to the proceedings.
- (2) The court’s duty under subsection (1) applies as soon as allegations of domestic abuse are raised after the start of proceedings and continue until the resolution of the proceedings.

Domestic Abuse Bill, *continued*

- (3) In determining the measures to make available to the witness, the court should consider—
- (a) whether one or more measures should be made available; and
 - (b) any views expressed by the witness.
- (4) The measures referred to in this section are those which—
- (a) prevent a witness from seeing another witness;
 - (b) allow a witness to participate in proceedings;
 - (c) allow a witness to give evidence by live link;
 - (d) provide for a witness to use a device to help communicate;
 - (e) provide for a witness to participate in proceedings with the assistance of an intermediary;
 - (f) provide for a witness to be questioned in court with the assistance of an intermediary; or
 - (g) do anything else provided for in Civil Procedure Rules or Family Procedure Rules.
- (5) Rules of court made for the purposes of providing assistance to eligible witnesses shall apply—
- (a) to the extent provided by the rules of court, and
 - (b) subject to any modifications provided by rules of court.
- (6) In this section—
- “the court” means the family court, county court or the High Court;
- “witness”, in relation to any proceedings, includes a party to the proceedings;
- “proceedings” means civil or family proceedings;
- “live link” means a live television link or other arrangement whereby a witness or party, while absent from the courtroom or other place where the proceedings are being held, is able to see and hear a person there and to be seen and heard by the judge, legal representatives acting in the proceedings and other persons appointed to assist a witness or party.”

Member’s explanatory statement

This new clause would ensure that victims of domestic abuse have access to special measures in both civil and family proceedings.

Jess Phillips
Peter Kyle
Christine Jardine

NC46

To move the following Clause—

“Defences for victims of domestic abuse who commit an offence

- (1) A person is not guilty of an offence if—
- (a) the person is aged 18 or over when the person does the act which constitutes the offence;
 - (b) the person does that act because the person is compelled to do it;
 - (c) the compulsion is attributable to their being a victim of domestic abuse; and
 - (d) a reasonable person in the same situation as the person and having the person’s relevant characteristics might do that act.

Domestic Abuse Bill, *continued*

- (2) A person may be compelled to do something by another person or by the person's circumstances.
- (3) Compulsion is attributable to domestic abuse only if—
 - (a) it is, or is part of, conduct which constitutes domestic abuse as defined in sections 1 and 2 of this Act, including but not limited to conduct which constitutes the offence of controlling or coercive behaviour in an intimate or family relationship as defined in section 76 of the Serious Crime Act 2015; or
 - (b) it is a direct consequence of a person being, or having been, a victim of such abuse.
- (4) A person is not guilty of an offence if—
 - (a) the person is under the age of 18 when the person does the act which constitutes the offence;
 - (b) the person does that act as a direct consequence of the person being, or having been, a victim of domestic abuse as defined at subsection (3)(a) above; and
 - (c) a reasonable person in the same situation as the person and having the person's relevant characteristics might do that act.
- (5) For the purposes of this section "relevant characteristics" means age, sex, any physical or mental illness or disability and any experience of domestic abuse.
- (6) In this section references to an act include an omission.
- (7) Subsections (1) and (4) do not apply to an offence listed in Schedule [*Offences to which the defence for victims of domestic abuse who commit an offence does not apply*].
- (8) The Secretary of State may by regulations amend Schedule [*Offences to which the defence for victims of domestic abuse who commit an offence does not apply*].
- (9) The Secretary of State must make arrangements for monitoring of the types of offence for which victims of domestic abuse are prosecuted and use this evidence to inform an annual review of the offences listed in Schedule [*Offences to which the defence for victims of domestic abuse who commit an offence does not apply*] and any amendment to that Schedule."

Member's explanatory statement

This new clause would provide a statutory defence for survivors of domestic abuse, in some circumstances, who commit an offence.

Jess Phillips

NC47

To move the following Clause—

“Review of domestic abuse protection orders and notices

- (1) The Secretary of State must within 12 months of this Act being passed conduct a review into the operation and use of domestic abuse protection orders and notices.
- (2) The review must take account of—
 - (a) the extent to which domestic abuse protection orders and notices have been used;
 - (b) data on the effectiveness of domestic abuse protection orders and notices in tackling and preventing domestic abuse;
 - (c) the views of those for whose protection orders and notices have been made.

Domestic Abuse Bill, continued

- (3) In designing and conducting the review, the Secretary of State must consult—
 - (a) the Domestic Abuse Commissioner,
 - (b) the Welsh Ministers,
 - (c) organisations providing support to victims and perpetrators of domestic abuse,
 - (d) such other persons as the Secretary of State considers appropriate.
- (4) Upon completion of the review, the Secretary of State must publish and lay before Parliament a report setting out—
 - (a) the findings of the review, and
 - (b) the action the Secretary of State proposes to take in response to the review.”

Member’s explanatory statement

This new clause would ensure that both DAPOS and DAPNS are reviewed to ensure that they are operating effectively and serving the purpose that they were intended for.

Jess Phillips

NC48

To move the following Clause—

“National Oversight Group

- (1) The Secretary of State must establish a national oversight group to monitor the exercise of local authority functions under section 53.
- (2) The members of the national oversight group must include—
 - (a) The Domestic Abuse Commissioner;
 - (b) organisations representing providers of specialist support for women and children affected by domestic abuse;
 - (c) organisations representing providers of specialist support for women and children affected by domestic abuse with protected characteristics;
 - (d) representatives of local authorities;
 - (e) representatives of police and criminal justice bodies;
 - (f) representatives of health bodies;
 - (g) representatives of health bodies;
- (3) The national oversight group must, at a minimum—
 - (a) undertake a regular national needs assessment for refuge services, including provision for victims and their children with protected characteristics;
 - (b) undertake ongoing assessment of whether local authorities and local partnership boards are effectively discharging functions under this Part, including monitoring compliance with the Public Sector Equality Duty and implementation of Equality Impact Assessments for relevant commissioning and procurement processes;
 - (c) ensure that local authorities and local partnership boards are sufficiently and equitably funding services that meet the needs of victims and their children as identified in the national needs assessment, including those with protected characteristics;
 - (d) provide oversight of local authorities and local partnership boards in funding services that meet quality standards developed by organisations

Domestic Abuse Bill, continued

- representing providers of specialist support for women and children affected by domestic abuse;
- (e) sanction ineffective or inadequate provision and practice by local authorities and local partnership boards as required;
 - (f) assess compliance with the Council of Europe Convention on preventing and combating violence against women and domestic violence and the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.
 - (g) consult with relevant monitoring bodies including, but not limited to, the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence and the United Nations Special Rapporteur on Violence Against Women.
- (4) the Secretary of State must ensure sufficient funding is provided annually to ensure that national need identified in subsection (3) (a) can be met.”

Member’s explanatory statement

This new clause establishes a National Oversight Group to monitor the duty placed on the Local Authority by Clause 53.

Yvette Cooper
 Caroline Nokes
 Ms Harriet Harman
 Rosie Duffield

NC49

To move the following Clause—

“Monitoring of serial domestic abuse and stalking offenders under MAPPA

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 325 (Arrangements for assessing etc risk posed by certain offenders)—
 - (a) In subsection (1), after ““relevant sexual or violent offender” has the meaning given by section 327” insert ““relevant serial domestic abuse or stalking offender” has the meaning given in section 327ZA;”
 - (b) In subsection (2)(a), after “offenders” insert “(aa) relevant serial domestic abuse or stalking offenders,”
- (3) After section 327 (Section 325: interpretation) insert—

“327ZA Section 325: interpretation of relevant serial domestic abuse or stalking offender

- (1) For the purposes of section 325—
 - (a) a person is a “relevant serial domestic abuse or stalking offender” if the offender has been convicted more than once for an offence which is—
 - (i) a domestic abuse offence, or
 - (ii) a stalking offence

Domestic Abuse Bill, continued

- (b) “domestic abuse offence” means an offence where it is alleged that the behaviour of the accused amounted to domestic abuse within the meaning defined in Section 1 of this Act
- (c) “stalking offence” means an offence contrary to section 2A or section 4A of the Protection from Harassment Act 1997.”

Member’s explanatory statement

This new clause amends the Criminal Justice Act 2003, which provides for the establishment of Multi-Agency Public Protection Arrangements (“MAPPA”), to make arrangements for serial domestic abuse or stalking offenders to be registered on VISOR and be subjected to supervision, monitoring and management through MAPPA.

Jess Phillips
Peter Kyle
Christine Jardine

NS1

To move the following Schedule—

“OFFENCES TO WHICH THE DEFENCE FOR VICTIMS OF DOMESTIC ABUSE WHO COMMIT AN OFFENCE DOES NOT APPLY

Common Law Offences

- 1 False imprisonment.
- 2 Kidnapping.
- 3 Manslaughter.
- 4 Murder.
- 5 Perverting the course of justice.
- 6 Piracy.

Offences against the Person Act 1861 (c. 100)

- 7 An offence under any of the following provisions of the Offences Against the Person Act 1861—
 - (a) section 4 (soliciting murder)
 - (b) section 16 (threats to kill)
 - (c) section 18 (wounding with intent to cause grievous bodily harm)
 - (d) section 20 (malicious wounding)
 - (e) section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence)
 - (f) section 22 (using drugs etc to commit or assist in the committing of an indictable offence)
 - (g) section 23 (maliciously administering poison etc so as to endanger life or inflict grievous bodily harm)
 - (h) section 27 (abandoning children)
 - (i) section 28 (causing bodily injury by explosives)
 - (j) section 29 (using explosives with intent to do grievous bodily harm)
 - (k) section 30 (placing explosives with intent to do bodily injury)
 - (l) section 31 (setting spring guns etc with intent to do grievous bodily harm)

Domestic Abuse Bill, *continued*

- (m) section 32 (endangering safety of railway passengers)
- (n) section 35 (injuring persons by furious driving)
- (o) section 37 (assaulting officer preserving wreck)
- (p) section 38 (assault with intent to resist arrest).

Explosive Substances Act 1883 (c. 3)

- 8 An offence under any of the following provisions of the Explosive Substances Act 1883—
- (a) section 2 (causing explosion likely to endanger life or property)
 - (b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property)
 - (c) section 4 (making or possession of explosives under suspicious circumstances).

Infant Life (Preservation) Act 1929 (c. 34)

- 9 An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).

Children and Young Persons Act 1933 (c. 12)

- 10 An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to children).

Public Order Act 1936 (1 Edw. 8 & 1 Geo. 6 c. 6)

- 11 An offence under section 2 of the Public Order Act 1936 (control etc of quasi-military organisation).

Infanticide Act 1938 (c. 36)

- 12 An offence under section 1 of the Infanticide Act 1938 (infanticide).

Firearms Act 1968 (c. 27)

- 13 An offence under any of the following provisions of the Firearms Act 1968—
- (a) section 5 (possession of prohibited firearms)
 - (b) section 16 (possession of firearm with intent to endanger life)
 - (c) section 16A (possession of firearm with intent to cause fear of violence)
 - (d) section 17(1) (use of firearm to resist arrest)
 - (e) section 17(2) (possession of firearm at time of committing or being arrested for specified offence)
 - (f) section 18 (carrying firearm with criminal intent).

Theft Act 1968 (c. 60)

- 14 An offence under any of the following provisions of the Theft Act 1968—
- (a) section 8 (robbery or assault with intent to rob)
 - (b) section 9 (burglary), where the offence is committed with intent to inflict grievous bodily harm on a person, or to do unlawful damage to a building or anything in it
 - (c) section 10 (aggravated burglary)

Domestic Abuse Bill, *continued*

- (d) section 12A (aggravated vehicle-taking), where the offence involves an accident which causes the death of any person
- (e) section 21 (blackmail).

Criminal Damage Act 1971 (c. 48)

- 15 The following offences under the Criminal Damage Act 1971—
- (a) an offence of arson under section 1
 - (b) an offence under section 1(2) (destroying or damaging property) other than an offence of arson.

Immigration Act 1971 (c. 77)

- 16 An offence under section 25 of the Immigration Act 1971 (assisting unlawful immigration to member state).

Customs and Excise Management Act 1979 (c. 2)

- 17 An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles).

Taking of Hostages Act 1982 (c. 28)

- 18 An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).

Aviation Security Act 1982 (c. 36)

- 19 An offence under any of the following provisions of the Aviation Security Act 1982—
- (a) section 1 (hijacking)
 - (b) section 2 (destroying, damaging or endangering safety of aircraft)
 - (c) section 3 (other acts endangering or likely to endanger safety of aircraft)
 - (d) section 4 (offences in relation to certain dangerous articles).

Mental Health Act 1983 (c. 20)

- 20 An offence under section 127 of the Mental Health Act 1983 (ill-treatment of patients).

Child Abduction Act 1984 (c. 37)

- 21 An offence under any of the following provisions of the Child Abduction Act 1984—
- (a) section 1 (abduction of child by parent etc)
 - (b) section 2 (abduction of child by other persons).

Domestic Abuse Bill, *continued**Public Order Act 1986 (c. 64)*

- 22 An offence under any of the following provisions of the Public Order Act 1986—
- (a) section 1 (riot)
 - (b) section 2 (violent disorder).

Criminal Justice Act 1988 (c. 33)

- 23 An offence under section 134 of the Criminal Justice Act 1988 (torture).

Road Traffic Act 1988 (c. 52)

- 24 An offence under any of the following provisions of the Road Traffic Act 1988—
- (a) section 1 (causing death by dangerous driving)
 - (b) section 3A (causing death by careless driving when under the influence of drink or drugs).

Aviation and Maritime Security Act 1990 (c. 31)

- 25 An offence under any of the following provisions of the Aviation and Maritime Security Act 1990—
- (a) section 1 (endangering safety at aerodromes)
 - (b) section 9 (hijacking of ships)
 - (c) section 10 (seizing or exercising control of fixed platforms)
 - (d) section 11 (destroying fixed platforms or endangering their safety)
 - (e) section 12 (other acts endangering or likely to endanger safe navigation)
 - (f) section 13 (offences involving threats).

Channel Tunnel (Security) Order 1994 (S.I. 1994/570)

- 26 An offence under Part 2 of the Channel Tunnel (Security) Order 1994 (SI 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).

Protection from Harassment Act 1997 (c. 40)

- 27 An offence under any of the following provisions of the Protection from Harassment Act 1997—
- (a) section 4 (putting people in fear of violence)
 - (b) section 4A (stalking involving fear of violence or serious alarm or distress).

Crime and Disorder Act 1998 (c. 37)

- 28 An offence under any of the following provisions of the Crime and Disorder Act 1998—
- (a) section 29 (racially or religiously aggravated assaults)
 - (b) section 31(1)(a) or (b) (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986).

Domestic Abuse Bill, continued*Terrorism Act 2000 (c. 11)*

- 29 An offence under any of the following provisions of the Terrorism Act 2000—
- (a) section 54 (weapons training)
 - (b) section 56 (directing terrorist organisation)
 - (c) section 57 (possession of article for terrorist purposes)
 - (d) section 59 (inciting terrorism overseas).

International Criminal Court Act 2001 (c. 17)

- 30 An offence under any of the following provisions of the International Criminal Court Act 2001—
- (a) section 51 (genocide, crimes against humanity and war crimes)
 - (b) section 52 (ancillary conduct).

Anti-terrorism, Crime and Security Act 2001 (c. 24)

- 31 An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—
- (a) section 47 (use of nuclear weapons)
 - (b) section 50 (assisting or inducing certain weapons-related acts overseas)
 - (c) section 113 (use of noxious substance or thing to cause harm or intimidate).

Female Genital Mutilation Act 2003 (c. 31)

- 32 An offence under any of the following provisions of the Female Genital Mutilation Act 2003—
- (a) section 1 (female genital mutilation)
 - (b) section 2 (assisting a girl to mutilate her own genitalia)
 - (c) section 3 (assisting a non-UK person to mutilate overseas a girl's genitalia).

Sexual Offences Act 2003 (c. 42)

- 33 An offence under any of the following provisions of the Sexual Offences Act 2003—
- (a) section 1 (rape)
 - (b) section 2 (assault by penetration)
 - (c) section 3 (sexual assault)
 - (d) section 4 (causing person to engage in sexual activity without consent)
 - (e) section 5 (rape of child under 13)
 - (f) section 6 (assault of child under 13 by penetration)
 - (g) section 7 (sexual assault of child under 13)
 - (h) section 8 (causing or inciting child under 13 to engage in sexual activity)
 - (i) section 9 (sexual activity with a child)
 - (j) section 10 (causing or inciting a child to engage in sexual activity)
 - (k) section 13 (child sex offences committed by children or young persons)
 - (l) section 14 (arranging or facilitating commission of child sex offence)

Domestic Abuse Bill, *continued*

- (m) section 15 (meeting a child following sexual grooming)
- (n) section 16 (abuse of position of trust: sexual activity with a child)
- (o) section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity)
- (p) section 18 (abuse of position of trust: sexual activity in presence of child)
- (q) section 19 (abuse of position of trust: causing a child to watch a sexual act)
- (r) section 25 (sexual activity with a child family member)
- (s) section 26 (inciting a child family member to engage in sexual activity)
- (t) section 30 (sexual activity with a person with a mental disorder impeding choice)
- (u) section 31 (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity)
- (v) section 32 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice)
- (w) section 33 (causing a person with a mental disorder impeding choice to watch a sexual act)
- (x) section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder)
- (y) section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception)
- (z) section 36 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder)
- (aa) section 37 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception)
- (ab) section 38 (care workers: sexual activity with a person with a mental disorder)
- (ac) section 39 (care workers: causing or inciting sexual activity)
- (ad) section 40 (care workers: sexual activity in the presence of a person with a mental disorder)
- (ae) section 41 (care workers: causing a person with a mental disorder to watch a sexual act)
- (af) section 47 (paying for sexual services of a child)
- (ag) section 48 (causing or inciting child prostitution or pornography)
- (ah) section 49 (controlling a child prostitute or a child involved in pornography)
- (ai) section 50 (arranging or facilitating child prostitution or pornography)
- (aj) section 61 (administering a substance with intent)
- (ak) section 62 (committing offence with intent to commit sexual offence)
- (al) section 63 (trespass with intent to commit sexual offence)
- (am) section 64 (sex with an adult relative: penetration)
- (an) section 65 (sex with an adult relative: consenting to penetration)
- (ao) section 66 (exposure)
- (ap) section 67 (voyeurism)
- (aq) section 70 (sexual penetration of a corpse).

Domestic Abuse Bill, continued*Domestic Violence, Crime and Victims Act 2004 (c. 28)*

- 34 An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing a child or vulnerable adult to die or suffer serious physical harm).

Terrorism Act 2006 (c. 11)

- 35 An offence under any of the following provisions of the Terrorism Act 2006—
- (a) section 5 (preparation of terrorist acts)
 - (b) section 6 (training for terrorism)
 - (c) section 9 (making or possession of radioactive device or material)
 - (d) section 10 (use of radioactive device or material for terrorist purposes)
 - (e) section 11 (terrorist threats relating to radioactive devices etc).

Modern Slavery Act 2015

- 36 An offence under any of the following provisions of the Modern Slavery Act 2015—
- (a) section 1 (slavery, servitude and forced or compulsory labour)
 - (b) section 2 (human trafficking).

Ancillary offences

- 37 (1) An offence of attempting or conspiring to commit an offence listed in this Schedule.
- (2) An offence committed by aiding, abetting, counselling or procuring an offence listed in this Schedule.
- (3) An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence listed in this Schedule.”

Member’s explanatory statement

This Schedule is consequential on NC46.

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.

Domestic Abuse Bill, continued*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.

ORDER OF THE COMMITTEE [4 JUNE 2020]

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:

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

Domestic Abuse Bill, *continued*

<i>Date</i>	<i>Time</i>	<i>Witness</i>
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.

NOTICES WITHDRAWN

The following Notices were withdrawn on 20 May 2020:

NC1, NC2, NC3
