

All line references relate to the large print version of
the Bill



House of Commons

Monday 6 July 2020

CONSIDERATION OF BILL (REPORT STAGE)

New Amendments handed in are marked thus *

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

Amendments tabled since the last publication: NC 28(a), (b), and (c)

DOMESTIC ABUSE BILL, AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

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the Bill

Secretary Priti Patel
Secretary Robert Buckland

NC15

To move the following Clause—

“Children as victims of domestic abuse

- (1) This section applies where behaviour of a person (“A”) towards another person (“B”) is domestic abuse.
- (2) Any reference in this Act to a victim of domestic abuse includes a reference to a child who—
 - (a) sees or hears, or experiences the effects of, the abuse, and
 - (b) is related to A or B.
- (3) A child is related to a person for the purposes of subsection (2) if—
 - (a) the person is a parent of, or has parental responsibility for, the child, or
 - (b) the child and the person are relatives.

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(4) In this section—

“child” means a person under the age of 18
years;

“parental responsibility” has the same meaning
as in the Children Act 1989 (see section 3 of
that Act);

“relative” has the meaning given by section
63(1) of the Family Law Act 1996.”

Member’s explanatory statement

*This new clause provides that references in the Bill to
a victim of domestic abuse include children who see
or hear, or experience the effects of, the abuse.*

Secretary Priti Patel
Secretary Robert Buckland

NC16

To move the following Clause—

**“Special measures in family proceedings: victims
of domestic abuse**

(1) This section applies where rules of court provide
that the court may make a special measures
direction in relation to a person (“P”) who is a
party or witness in family proceedings.

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- (2) Rules of court must provide that where P is, or is at risk of being, a victim of domestic abuse carried out by a person listed in subsection (3), it is to be assumed that the following matters are likely to be diminished by reason of vulnerability—
 - (a) the quality of P’s evidence;
 - (b) where P is a party to the proceedings, P’s participation in the proceedings.

- (3) The persons referred to in subsection (2) are—
 - (a) a party to the proceedings;
 - (b) a relative of a party to the proceedings (other than P);
 - (c) a witness in the proceedings.

- (4) Rules of court may provide for an exception to the provision made by virtue of subsection (2) where P does not wish to be deemed to be eligible for the making of a special measures direction by virtue of that subsection.

- (5) In this section—

“family proceedings” has the meaning given by section 75(3) of the Courts Act 2003;

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“relative” has the meaning given by section
63(1) of the Family Law Act 1996;

“special measures” means such measures as
may be specified by rules of court for the
purpose of assisting a person to give evidence
or participate in proceedings;

“special measures direction” means a direction
by the court granting special measures.”

Member’s explanatory statement

*This new clause would ensure that victims of
domestic abuse are automatically eligible for access
to special measures in family proceedings without the
need for any determination of the victim’s
vulnerability.*

Secretary Priti Patel
Secretary Robert Buckland

NC17

To move the following Clause—

**“Special measures in civil proceedings: victims
of specified offences**

(1) Rules of court must make provision enabling the
court to make a special measures direction in
relation to a person who is a party or witness in

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civil proceedings where that person is the victim,
or alleged victim, of a specified offence.

(2) Rules made by virtue of subsection (1) must, in
particular, provide for the court to consider—

(a) whether—

(i) the quality of the person's evidence, or

(ii) where the person is a party to the
proceedings, the person's participation in
the proceedings, is likely to be diminished
by reason of vulnerability, and

(b) if so, whether it is necessary to make one
or more special measures directions.

(3) For the purposes of this section—

(a) a person is the victim of a specified offence
if another person has been convicted of, or
given a caution for, the offence;

(b) a person is the alleged victim of a specified
offence if another person has been charged
with the offence.

(4) In this section—

“civil proceedings” means—

(a) proceedings in the county court,

(b) proceedings in the High Court, other than—

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(i) proceedings in the Family Division of the High Court which are business assigned, by or under section 61 of (and Schedule 1 to) the Senior Courts Act 1981, to that Division of the High Court and no other, and

(ii) proceedings in the exercise of its jurisdiction under the Extradition Act 2003, and

(c) proceedings in the civil division of the Court of Appeal;

“special measures” means such measures as may be specified by rules of court for the purpose of assisting a person to give evidence or participate in proceedings;

“special measures direction” means a direction by the court granting special measures;

“specified offence” means an offence which is specified, or of a description specified, in regulations made by the Lord Chancellor.”

Member’s explanatory statement

This new clause would ensure that victims of certain offences have access to special measures in civil proceedings where their vulnerability is likely to diminish the quality of their evidence, or otherwise affect their ability to participate in the proceedings.

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Secretary Priti Patel
Secretary Robert Buckland

NC18

To move the following Clause—

**“Prohibition of cross-examination in person in
civil proceedings**

In the Courts Act 2003, after Part 7 insert—

“PART 7A

**CIVIL PROCEEDINGS: PROHIBITION OF
CROSS-EXAMINATION IN PERSON**

**85E Prohibition of cross-examination in person:
introductory**

In this Part—

“civil proceedings” means—

- (a) proceedings in the county court,
- (b) proceedings in the High Court, other than—
 - (i) proceedings in the Family Division of the High Court which are business assigned, by or under section 61 of (and

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Schedule 1 to) the Senior Courts Act
1981, to that Division of the High Court
and no other, and

(ii) proceedings in the exercise of its
jurisdiction under the Extradition Act
2003, and

(c) proceedings in the civil division of the
Court of Appeal arising out of civil
proceedings within paragraph (a) or (b);

“witness”, in relation to any proceedings,
includes a party to the proceedings.

85F Direction for prohibition of cross- examination in person

(1) In civil proceedings, the court may give a
direction prohibiting a party to the proceedings
from cross-examining (or continuing to cross-
examine) a witness in person if it appears to the
court that—

(a) the quality condition or the significant
distress condition is met, and

(b) it would not be contrary to the interests of
justice to give the direction.

(2) The “quality condition” is met if the quality of
evidence given by the witness on cross-
examination—

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- (a) is likely to be diminished if the cross-examination (or continued cross-examination) is conducted by the party in person, and
 - (b) would be likely to be improved if a direction were given under this section.
- (3) The “significant distress condition” is met if—
 - (a) the cross-examination (or continued cross-examination) of the witness by the party in person would be likely to cause significant distress to the witness or the party, and
 - (b) that distress is likely to be more significant than would be the case if the witness were cross-examined other than by the party in person.
- (4) A direction under this section may be made by the court—
 - (a) on an application made by a party to the proceedings, or
 - (b) of its own motion.
- (5) In determining whether the quality condition or the significant distress condition is met in the case of a witness or party, the court must have regard to, among other things—

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- (a) any views expressed by the witness as to whether or not the witness is content to be cross-examined by the party in person;
- (b) any views expressed by the party as to whether or not the party is content to cross-examine the witness in person;
- (c) the nature of the questions likely to be asked, having regard to the issues in the proceedings;
- (d) any conviction or caution of which the court is aware for an offence committed by the party in relation to the witness;
- (e) any conviction or caution of which the court is aware for an offence committed by the witness in relation to the party;
- (f) any behaviour by the party in relation to the witness in respect of which the court is aware that a finding of fact has been made in the proceedings or any other proceedings;
- (g) any behaviour by the witness in relation to the party in respect of which the court is aware that a finding of fact has been made in the proceedings or any other proceedings;
- (h) any behaviour by the party at any stage of the proceedings, both generally and in relation to the witness;

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- (i) any behaviour by the witness at any stage of the proceedings, both generally and in relation to the party;
- (j) any relationship (of whatever nature) between the witness and the party.

(6) Any reference in this section to the quality of a witness's evidence is to its quality in terms of completeness, coherence and accuracy.

(7) For this purpose "coherence" refers to a witness's ability in giving evidence to give answers which—

- (a) address the questions put to the witness, and
- (b) can be understood, both individually and collectively.

85G Directions under section 85F: supplementary

- (1) A direction under section 85F has binding effect from the time it is made until the witness in relation to whom it applies is discharged.
- (2) But the court may revoke a direction under section 85F before the witness is discharged, if it

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appears to the court to be in the interests of justice to do so, either—

- (a) on an application made by a party to the proceedings, or
- (b) of its own motion.

(3) The court may revoke a direction under section 85F on an application made by a party to the proceedings only if there has been a material change of circumstances since—

- (a) the direction was given, or
- (b) if a previous application has been made by a party to the proceedings, the application (or the last application) was determined.

(4) The court must state its reasons for—

- (a) giving a direction under section 85F;
- (b) refusing an application for a direction under section 85F;
- (c) revoking a direction under section 85F;
- (d) refusing an application for the revocation of a direction under section 85F.

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85H Alternatives to cross-examination in person

(1) This section applies where a party to civil proceedings is prevented from cross-examining a witness in person by virtue of a direction under section 85F.

(2) The court must consider whether (ignoring this section) there is a satisfactory alternative means—

(a) for the witness to be cross-examined in the proceedings, or

(b) of obtaining evidence that the witness might have given under cross-examination in the proceedings.

(3) If the court decides that there is not, the court must—

(a) invite the party to the proceedings to arrange for a qualified legal representative to act for the party for the purpose of cross-examining the witness, and

(b) require the party to the proceedings to notify the court, by the end of a period specified by the court, of whether a qualified legal representative is to act for the party for that purpose.

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(4) Subsection (5) applies if, by the end of the period specified under subsection (3)(b), either—

(a) the party has notified the court that no qualified legal representative is to act for the party for the purpose of cross-examining the witness, or

(b) no notification has been received by the court and it appears to the court that no qualified legal representative is to act for the party for the purpose of cross-examining the witness.

(5) The court must consider whether it is necessary in the interests of justice for the witness to be cross-examined by a qualified legal representative appointed by the court to represent the interests of the party.

(6) If the court decides that it is, the court must appoint a qualified legal representative (chosen by the court) to cross-examine the witness in the interests of the party.

(7) A qualified legal representative appointed by the court under subsection (6) is not responsible to the party.

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- (8) For the purposes of this section—
- (a) a reference to cross-examination includes a reference to continuing to conduct cross-examination;
 - (b) “qualified legal representative” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience (within the meaning of that Act) in civil proceedings.

85I Costs of legal representatives appointed under section 85H(6)

- (1) The Lord Chancellor may by regulations make provision for the payment out of central funds of sums in respect of—
- (a) fees or costs properly incurred by a qualified legal representative appointed under section 85H(6), and
 - (b) expenses properly incurred in providing such a person with evidence or other material in connection with the appointment.
- (2) The regulations may provide for sums payable under subsection (1) to be determined by the Lord

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Chancellor or such other person as the regulations
may specify.

(3) The regulations may provide for sums payable
under subsection (1)—

(a) to be such amounts as are specified in the
regulations;

(b) to be calculated in accordance with—

(i) a rate or scale specified in the
regulations, or

(ii) other provision made by or under the
regulations.

(4) Regulations under this section may make
different provision for different purposes.

85J Guidance for legal representatives appointed under section 85H(6)

(1) The Lord Chancellor may issue guidance in
connection with the role which a qualified legal
representative appointed under section 85H(6) in
connection with any civil proceedings is to play in
the proceedings, including (among other things)
guidance about the effect of section 85H(7).

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(2) A qualified legal representative appointed under section 85H(6) must have regard to any guidance issued under this section.

(3) The Lord Chancellor may from time to time revise any guidance issued under this section.

(4) The Lord Chancellor must publish—

(a) any guidance issued under this section, and

(b) any revisions of that guidance.””

Member’s explanatory statement

This new clause would enable a court in civil proceedings to give a direction prohibiting a party to the proceedings from cross-examining a witness in person, where either the quality of the witness’s evidence would otherwise be diminished, or such cross-examination would be likely to cause significant distress to the witness or party. Where such a direction is given, the court will be able to appoint a legal representative to conduct the cross-examination.

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Secretary Priti Patel
Secretary Robert Buckland

NC20

To move the following Clause—

**“Consent to serious harm for sexual gratification
not a defence**

- (1) This section applies for the purposes of determining whether a person (“D”) who inflicts serious harm on another person (“V”) is guilty of a relevant offence.
- (2) It is not a defence that V consented to the infliction of the serious harm for the purposes of obtaining sexual gratification (but see subsection (4)).
- (3) In this section—
 - “relevant offence” means an offence under section 18, 20 or 47 of the Offences Against the Person Act 1861 (“the 1861 Act”);
 - “serious harm” means—
 - (a) grievous bodily harm, within the meaning of section 18 of the 1861 Act,
 - (b) wounding, within the meaning of that section, or

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(c) actual bodily harm, within the meaning
of section 47 of the 1861 Act.

- (4) Subsection (2) does not apply in the case of an offence under section 20 or 47 of the 1861 Act where—
- (a) the serious harm consists of, or is a result of, the infection of V with a sexually transmitted infection in the course of sexual activity, and
 - (b) V consented to the sexual activity in the knowledge or belief that D had the sexually transmitted infection.
- (5) For the purposes of this section it does not matter whether the harm was inflicted for the purposes of obtaining sexual gratification for D, V or some other person.
- (6) Nothing in this section affects any enactment or rule of law relating to other circumstances in which a person's consent to the infliction of serious harm may, or may not, be a defence to a relevant offence.”

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Member's explanatory statement

This new clause legislates for the principle (established in the case of R. v. Brown [1993] 2 W.L.R. 556) that, for the purposes of determining whether someone is guilty of an offence under section 18, 20 or 47 of the Offences Against the Person Act 1861, a person may not consent to the infliction of serious harm for the purposes of obtaining sexual gratification. The clause also reflects the exception for cases involving the transmission of sexually transmitted infections, established by the cases of R. v. Dica ([2004] 3 All ER 593) and R. v. Konzani ([2005] EWCA Crim 706).

Fiona Bruce

NC1

To move the following Clause—

“Pornography and domestic violence: research

- (1) The Secretary of State must commission research into the impact of pornography consumption on levels of domestic violence.

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(2) The Secretary of State must lay the research
before Parliament within 12 months of this Act
being passed.”

Sir John Hayes

NC2

To move the following Clause—

**“Research into the incidence of domestic abuse
within different living arrangements**

The Secretary of State must commission research on
the incidence of domestic abuse in the context of
different forms of relationship including marriage, civil
partnerships and cohabitation, with special respect to
both adult and child wellbeing and reporting to the
House with this research and policy
recommendations within 12 months of this Act
becoming law.”

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Sir John Hayes

NC3

To move the following Clause—

“Report on domestic abuse incidence and sentencing

The Secretary of State must provide a report to the House reviewing trends in the incidences of domestic abuse and sentencing for domestic abuse offences over the last ten years in England and Wales with a view to making policy recommendations including with respect to increasing both minimum and maximum sentences for domestic abuse offences and present to Parliament within the 12 months of this Act becoming law.”

Ms Harriet Harman

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

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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.*

Ms Harriet Harman

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.

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(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.

Ms Harriet Harman

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

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(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.*

Ms Harriet Harman

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

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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.*

Ms Harriet Harman

NC8

To move the following Clause—

“Offence of non-fatal strangulation

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

Member’s explanatory statement

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

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Ms Harriet Harman

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.

Ms Harriet Harman

NC10

To move the following Clause—

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

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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.

Ms Harriet Harman

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

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(“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.

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(4) If any matter is included in a publication in contravention of this section, the following persons shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale—

(a) where the publication is a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;

(b) where the publication is a relevant programme—

(i) anybody corporate engaged in providing the programme service in which the programme is included; and

(ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper;

(c) in the case of any other publication, any person publishing it.

(5) For the purposes of this section—

“domestic homicide offence” means an offence of murder or manslaughter which has involved domestic abuse;

a “publication” includes any speech, writing, relevant programme, social media posting or other communication in whatever form, which

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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.

Sir John Hayes

NC12

To move the following Clause—

“Domestic abuse: report on incidence and sentencing

- (1) The Secretary of State must, within 12 months of Royal Assent being given to this Act, lay before both Houses of Parliament a report on—
 - (a) the incidence of domestic abuse in England and Wales since 1 January 2010, and
 - (b) sentencing for any offence where judgment was handed down after 1 January 2010 and it

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was alleged that the behaviour of the accused
amounted to domestic abuse.

- (2) A purpose of a report under subsection (1) shall
be to inform a decision on whether or not to
increase the minimum or maximum sentence for
any offence where it is found the behaviour of the
accused amounted to domestic abuse.
- (3) “Domestic abuse” shall, for the purposes of this
section, have the meaning given in section 1 of
this Act.”
-

Chris Bryant

NC13

To move the following Clause—

**“Screening for acquired brain injury in domestic
abuse cases**

- (1) A woman who has been the subject of domestic
abuse shall, with her consent, be screened for
traumatic brain injury, and other forms of acquired
brain injury, including concussion.

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- (2) For the purposes of this section, a woman has been the subject of domestic abuse if—
- (a) she is the person for whose protection a domestic abuse protection notice or a domestic abuse protection order has been issued, or
 - (b) she is the person against whom it is alleged that domestic abuse has been perpetrated when the accused is charged with an offence that amounts to domestic abuse within the meaning of section 1 of this Act.
- (3) In the case of subsection 2(a), the screening shall take place within two weeks of a domestic abuse protection notice or a domestic abuse protection order being issued.
- (4) In the case of subsection 2(b), the screening shall take place within two weeks of a charge being made for an offence where it is alleged that the behaviour of the accused amounts to domestic abuse within the meaning of section 1 of this Act.”

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Chris Bryant

NC14

To move the following Clause—

“Acquired brain injury screening for female prisoners

- (1) All female prisoners must be screened for traumatic brain injury, and other forms of acquired brain injury, including concussion, within two weeks of starting their sentence.
- (2) A purpose of the screening will be to assist in a determination as to whether a prisoner has been the subject of domestic abuse.
- (3) If the screening shows that there is an acquired brain injury—
 - (a) an assessment must be made of whether such an injury has been acquired as a result of domestic abuse, and
 - (b) the prisoner must be given appropriate rehabilitation treatment and advice.”

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Caroline Lucas

NC19

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.

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- (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

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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—
- (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.

All line references relate to the large print version of
the Bill

(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.

All line references relate to the large print version of
the Bill

Liz Saville Roberts

NC21

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 up 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 (4) shall be an offence liable

All line references relate to the large print version of
the Bill

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 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 of domestic abuse as
defined in section 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.*

Keir Starmer

NC22

To move the following Clause—

**“Recourse to public funds for domestic abuse
survivors**

- (1) The Immigration Acts are amended as follows.

All line references relate to the large print version of
the Bill

- (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 who provides evidence in one or more of the forms set out in section [*Recourse to public funds for domestic abuse survivors*] of the Domestic Abuse Act 2020.”
- (3) In paragraph 2(1) of Schedule 3 to the Nationality, Immigration and Asylum Act 2002 after subparagraph (b) insert—

“(ba) to a person who is a victim of domestic abuse in the United Kingdom who provides evidence in one or more of the forms set out in section [*Recourse to public funds for domestic abuse survivors*] of the Domestic Abuse Act 2020, 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—

All line references relate to the large print version of
the Bill

“(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 who provides evidence in one or more of the forms set out in section [*Recourse to public funds for domestic abuse survivors*] of the Domestic Abuse Act 2020; 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 a person is a victim of domestic abuse 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;

All line references relate to the large print version of
the Bill

- (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

All line references relate to the large print version of
the Bill

(k) other evidence of domestic abuse, including from a counsellor, midwife, school, witness or the victim.

(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.

(8) Within 12 months of this Act being passed, the Secretary of State must commission a review into the operation of the provisions in this section.

(9) The Secretary of State must lay before Parliament a report setting out the findings of the review.”

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. There will be a review into the operation of this provision.

All line references relate to the large print version of
the Bill

Keir Starmer

NC23

To move the following Clause—

**“Commission specialist domestic abuse services
for victims and perpetrators of domestic abuse**

- (1) It is the duty of relevant public authorities in England and non-devolved relevant public authorities in Wales in the exercise of their functions 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;
 - (b) take account of any strategy to end violence against women and girls adopted by a Minister of the Crown; and
 - (c) co-operate to discharge the duty.
- (3) The Secretary of State may issue regulations making provision for the resolution of disputes

All line references relate to the large print version of
the Bill

between public authorities relating to the discharge of the duty under subsection (1).

- (4) In relation to the provision of domestic abuse support as defined by section 54(2), each relevant local authority may discharge the duty under subsection (2)(a) through compliance with its obligations under section 54(1)(a).
- (5) 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 over 18;
 - (b) any child aged under 18 who experiences or witnesses domestic abuse;
 - (c) any person aged over 18 who exhibits abusive behaviour towards another person to whom they personally connected.
 - (d) any child aged under 18 who exhibits abusive behaviour towards another person to whom they are personally connected.
- (6) In performing the duty under subsection (1), a relevant public authority must where necessary secure specialist services designed to meet the

All line references relate to the large print version of
the Bill

particular needs of a group that shares a status to ensure appropriate and effective service provision.

(7) In this section—

“abusive behaviour” is behaviour that is abusive within the definition in section 1(3).

“domestic abuse” has the meaning given by Part 1 of this Act

“personally connected” has the meaning given in section 2 of this Act.

“relevant public authorities” are public authorities with statutory functions relevant to the provision of specialist services, including but not limited to—

- (a) Ministers of the Crown and Government departments;
- (b) local government in England;
- (c) NHS Trusts in England;
- (d) Police and Crime Commissioners;
- (e) prison, police and probation services.

“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.

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the Bill

“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 and other relevant accommodation and support as defined in section [54(2)];
- (c) counselling and other support;
- (d) advocacy services;
- (e) access to welfare benefits;
- (f) perpetrator programmes;
- (g) financial support;
- (h) legal services;
- (i) helplines;
- (j) services designed to meet the particular needs of a group that shares a status to ensure appropriate and effective service provision, including separate or single-sex services within the meaning given in Part 7 of Schedule 3 the Equality Act, and

“communal accommodation” within the meaning given in paragraph 3 of Schedule 23 to the Equality Act 2010.

All line references relate to the large print version of
the Bill

“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 statutory duty on relevant public authorities to commission specialist support and services to all persons affected by domestic abuse. This includes refuge and community-based services; specialist services for groups with protected characteristics; services for children and young people; services for perpetrators.

Keir Starmer

NC24

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—

All line references relate to the large print version of
the Bill

“(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.

(8A) In subsection (8)—

“unsupervised” means where a court approved third party is not present at all times during contact

All line references relate to the large print version of
the Bill

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.*

Keir Starmer

NC25

To move the following Clause—

**“Effective protection and support for all victims of
domestic abuse**

- (1) The Secretary of State must take steps to ensure
that all victims of domestic abuse, irrespective of
their status, receive—
 - (a) equally effective protection against
domestic abuse, and

All line references relate to the large print version of
the Bill

(b) equally effective support.

(2) In this section—

“status” includes 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 any combined forms of such status.

“victims of domestic abuse” includes persons who are reasonably believed to be at risk of domestic abuse.”

Member’s explanatory statement

This new clause ensures all victims of domestic abuse are protected, regardless of their status, in line with Article 4(3) of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

Christine Jardine

NC26

To move the following Clause—

“Victims of domestic abuse: leave to remain

All line references relate to the large print version of
the Bill

- (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.

All line references relate to the large print version of
the Bill

- (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.

All line references relate to the large print version of
the Bill

(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

All line references relate to the large print version of
the Bill

*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.*

Christine Jardine

NC27

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

All line references relate to the large print version of
the Bill

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

All line references relate to the large print version of
the Bill

signifying agreement to the processing of the personal data for the relevant purpose;

“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.

All line references relate to the large print version of
the Bill

Dame Diana Johnson

NC28

To move the following Clause—

“Enabling access to abortion in abusive relationships

(1) The Abortion Act 1967 is amended as follows.

(2) At the end of section 1 add—

“(5) Subsection (3) of this section shall not apply to the termination of a pregnancy by a registered medical practitioner who is of the opinion, formed in good faith, that the woman is unable to access treatment for the termination of pregnancy in a hospital or a place approved by the Secretary of State under subsection (3) by reason of the abusive behaviour of a person with whom the woman is personally connected within the meaning of [section 2 of the Domestic Abuse Act 2020].

Member’s explanatory statement

In cases of domestic abuse where a woman seeking an abortion is subject to coercive control, this new clause would remove the legal requirement for

All line references relate to the large print version of
the Bill

*attendance at a hospital or licensed premises in order
to access lawful abortion services.*

Fiona Bruce

(a)

* Line 5, after “apply to the” insert “medical”

Member’s explanatory statement

*This amendment limits NC28 to medical abortions to
ensure that surgical terminations are not permitted to
take place outside hospitals or places approved by
the Secretary of State.*

Fiona Bruce

(b)

* Line 8, after “faith,” insert “that the pregnancy has
not exceeded nine weeks and six days and”

Member’s explanatory statement

*This amendment introduces into NC28 a gestational
time limit of up to ten weeks for medical abortions
outside of hospitals or places approved by the
Secretary of State.*

Fiona Bruce

(c)

* Line 15, at end insert—

All line references relate to the large print version of
the Bill

“(3) This section may not take effect until the Government has conducted an inquiry into the safety, number, and impact of abortions carried out under the temporary coronavirus crisis provisions where the place of abortion was the woman’s home, and has laid a Report on this before Parliament.”

Member’s explanatory statement

This amends NC28 so that before it takes effect the evidence on the impact of the temporary coronavirus tele-medicine provisions should be fully assessed, including in respect to the safety of any abortions that have taken place under these provisions.

Dame Diana Johnson

NC29

To move the following Clause—

“Amendment of criminal law in relation to termination of pregnancy

(1) The Offences Against the Person Act 1861 is amended as follows.

All line references relate to the large print version of
the Bill

(2) Sections 58 (administering drugs or using instruments to procure abortion) and 59 (procuring drugs, &c. to cause abortion) are repealed.

(3) After section 59 insert—

“59A Non-consensual termination of pregnancy

(1) A person (A) commits an offence if—

(a) in relation to a woman (B) A commits any unlawful act involving the use or threat of force, or the administration of any substance capable of causing abortion,

(b) A believes that B is pregnant or is reckless as to whether she is pregnant, and

(c) A intends to cause B’s abortion or is reckless as to whether her abortion results.

(2) For the purposes of subsection (1)—

(a) an act done by, or with the informed consent or assistance of B, or done in good faith by a registered medical practitioner, registered nurse or registered midwife, is not to be considered unlawful,

All line references relate to the large print version of
the Bill

(b) but B is not to be treated as consenting to the administration of a substance unless she is aware of its nature as a substance capable of causing abortion.

(3) A person guilty of an offence under subsection (1) is liable on conviction on indictment to imprisonment for life or for any shorter term.””

Member’s explanatory statement

This new clause would decriminalise abortion, and create a new offence of non-consensual termination of pregnancy, which would include the example where a woman’s abusive partner intentionally or recklessly caused her abortion through abusive behaviour.

Christine Jardine

NC30

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.

All line references relate to the large print version of
the Bill

- (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 the Secretary of State deems appropriate.
- (3) The Chancellor of the Exchequer must provide local authorities with additional funding designated for Local Welfare Provision, to increase per year with inflation.
- (4) For the purposes of this subsection “domestic abuse” is defined in section 1 of the Domestic Abuse Act 2020.”

Member’s explanatory statement

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

All line references relate to the large print version of
the Bill

Christine Jardine

NC31

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

All line references relate to the large print version of
the Bill

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.*

Yvette Cooper

NC32

To move the following Clause—

**Assessment and management of serial and
serious domestic abuse and stalking perpetrators**

All line references relate to the large print version of
the Bill

Within six months of the commencement of this Act, a Minister of the Crown must lay a report before both Houses of Parliament reviewing arrangements for assessing and managing the risk presented by serial and serious harm domestic abuse and stalking perpetrators.

Yvette Cooper

NC33

To move the following Clause—

“Monitoring of serial and serious harm domestic abuse and stalking perpetrators 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 domestic abuse or stalking perpetrator” has the meaning given in section 327ZA;”

All line references relate to the large print version of
the Bill

(b) In subsection (2)(a), after “offenders” insert
“(aa) relevant domestic abuse or stalking
perpetrators,”

(3) After section 327 (Section 325: interpretation)
insert—

**“327ZA Section 325: interpretation of relevant
domestic abuse or stalking perpetrator**

(1) For the purposes of section 325—

a person (“P”) is a “relevant domestic abuse
or stalking perpetrator” if P has been
convicted of a specified offence and meets
either the condition in subsection (2)(a) or
the condition in subsection (2)(b).

(2) for the purposes of subsection (1), the conditions
are—

(a) P is a relevant serial offender;

(b) a risk of serious harm assessment has
identified P as presenting a high or very high
risk of serious harm.

(3) An offence is a “specified offence” for the
purposes of this section if it is a specified

All line references relate to the large print version of
the Bill

domestic abuse offence or a specified stalking offence.

(4) In this section—

“relevant serial offender” means a person convicted on more than one occasion for the same specified offence; or a person convicted of more than one specified offence;

“specified 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;

“specified stalking offence” means an offence contrary to section 2A or section 4A of the Protection from Harassment Act 1997.

(5) Within six months of the commencement of this section, a Minister of the Crown must lay a report before both Houses of Parliament reviewing the interpretation of the term “relevant domestic abuse or stalking perpetrator” for the purposes of section 325.

(6) A report under subsection (5) must give specific consideration to arrangements for assessing and managing the risks of domestic abuse or stalking

All line references relate to the large print version of
the Bill

posed by perpetrators convicted of offences other
than a specified offence.

(7) Subject to a report under subsection (5) being laid
before both Houses of Parliament, a Minister of
the Crown may by regulations amend this
section.

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 perpetrators to be registered on VISOR and
be subjected to supervision, monitoring and
management through MAPPA.*

Caroline Nokes

NC34

To move the following Clause—

**“Threat to disclose private photographs and films
with intent to cause distress**

In the Criminal Justice and Courts Act 2015, after
section 13 insert—

All line references relate to the large print version of
the Bill

**“33A Threat to disclose private photographs and
films with intent to cause distress**

- (1) It is an offence for a person to threaten to disclose a private sexual photograph or film of a person to whom they are personally connected without the consent of an individual who appears in the photograph or film if the threat is made to either—
 - (a) the individual who appears in the photograph or film, or
 - (b) another individual who is intended to tell the individual who appears in the photograph or film, with the intention of causing distress to the individual in paragraph (a).
- (2) But it is not an offence under this section for the person to threaten to disclose the photograph or film to the individual mentioned in subsection (1)(a).
- (3) For the meaning of “consent” see section 33(7)(a).
- (4) A person guilty of an offence under this section is liable —

All line references relate to the large print version of
the Bill

- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both), and
 - (b) For the purposes of this section, “personally connected” has the same meaning as in section 2 of the Domestic Abuse Act 2020.””
-

Tim Loughton

NC35

To move the following Clause—

“Duty to co-operate: children awaiting NHS treatment

- (1) The Commissioner must within 6 months after section 14 comes into force issue a request under that section to the NHS bodies in England mentioned in subsection (2) to co-operate with the Commissioner to secure that the objective set out in subsection (3) is met within 12 months after that section comes into force and continues to be met.
- (2) The bodies are—

All line references relate to the large print version of
the Bill

- (a) every clinical commissioning group established under section 14D of the National Health Service Act 2006, and
 - (b) every other NHS body in England (as defined in section 14(7)) whose cooperation the Commissioner thinks is necessary to secure that the objective set out in subsection (3) is met.
- (3) The objective is that where a child affected by domestic abuse has been referred for NHS care or treatment in the area (“Area A”) of a clinical commissioning group as a result of being so affected moves to the area (“Area B”) of another clinical commissioning group, the child receives that care or treatment no later than it would have been received in Area A.”

Tim Loughton

NC36

To move the following Clause—

“School admissions

- (1) The Secretary of State must, within six months after this section comes into force, secure that the

All line references relate to the large print version of
the Bill

school admissions code issued for England under section 84 of the Schools Standards and Framework Act 1998 (“1998 Act”) contains such provision as the Secretary of State considers necessary to achieve the objective set out in subsection (5).

- (2) The Secretary of State must secure that the Commissioner is consulted about any proposed provision under subsection (1).
- (3) The Welsh Ministers must, within six months after this section comes into force, secure that the Welsh Government school admissions code issued under section 84 of the 1998 Act contains such provision as the Welsh Ministers consider necessary to achieve the objective set out in subsection (5).
- (4) The Welsh Ministers must secure that the Commissioner is consulted about any proposed provision under subsection (3).
- (5) The objective is that—
 - (a) oversubscription criteria for admission to any school to which the school admissions

All line references relate to the large print version of
the Bill

code applies give the same priority to children falling within subsection (6) as to looked-after children (within the meaning of section 22(1) of the Children Act 1989), and

(b) the Code contains appropriate guidance about admission of children who have moved home to avoid domestic abuse or who are otherwise affected by domestic abuse.

(6) A child falls within this subsection if the child—

(a) is in the care of, or provided with accommodation by, a body exercising a function in respect of children affected by domestic abuse which, if the body were a local authority, would be a social services function of the kind mentioned in section 22(1)(b) of the Children Act 1989, or

(b) has moved home as a result of being affected by domestic abuse.”

Philip Davies

3

Clause 1, page 2, line 20, after “abuse”, insert “(see subsection (4A))”

All line references relate to the large print version of
the Bill

Member’s explanatory statement

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

Philip Davies

25

Clause 1, page 3, line 2, after “that” insert—

“, unless A believed they were acting in B’s best interest and the behaviour in all the circumstances was reasonable,”

Member’s explanatory statement

This amendment is alternative to Amendment 1. It clarifies that economic abuse has to be unreasonable and not cover incidents of the withholding of money where it is intended to be in a person’s best interest – e.g. someone caring for another or the partner of a gambling addict who gives consent. This amendment uses similar wording to the defence for controlling and coercive behaviour.

Philip Davies

1

Clause 1, page 3, line 2, after “effect”, insert “without permission, consent, necessity or any other good reason”

All line references relate to the large print version of
the Bill

Member’s explanatory statement

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

Philip Davies

2

Clause 1, page 3, line 4, leave out “acquire, use or maintain money or other property” and insert “maintain their own money or personal property”

Member’s explanatory statement

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

Philip Davies

4

Clause 1, page 3, line 6, at end insert—

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

- (a) parental alienation,
- (b) false allegations of domestic abuse by A against B, or

All line references relate to the large print version of
the Bill

(c) A deliberately preventing B having contact
with their child or children for no good reason.”

Member’s explanatory statement

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

Philip Davies

24

Clause 1, page 3, line 6, at end insert—

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

(a) parental alienation, or

(b) A deliberately preventing B having contact
with their child or children for no good reason.”

Member’s explanatory statement

*This amendment is alternative to Amendment 4. It
gives specific examples of domestic abuse – parental
alienation and the prevention of contact with a parent
for no good reason.*

Philip Davies

5

Clause 1, page 3, line 6, at end insert—

All line references relate to the large print version of
the Bill

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

Member’s explanatory statement

This amendment defines parental alienation.

Philip Davies

6

Clause 1, page 3, line 7, leave out subsection (5)

Member’s explanatory statement

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

Philip Davies

7

Clause 1, page 3, line 11, leave out subsection (6)

Member’s explanatory statement

*This amendment is consequential upon Amendment
6.*

Philip Davies

11

Clause 6, page 7, line 9, after “the”, insert “objective”

All line references relate to the large print version of
the Bill

Member’s explanatory statement

This amendment aims to ensure there is no bias and that pre-conceived notions do not form part of the identification of domestic abuse process.

Philip Davies

12

Clause **6**, page **7**, line **16**, after “abuse”, insert “; (e) a gender-neutral approach to domestic abuse”

Member’s explanatory statement

This amendment would recognise explicitly that domestic violence affects everyone regardless of their sex.

Philip Davies

13

Clause **6**, page **8**, line **11**, at end insert—

“(h) monitoring the estimated number of actual victims of domestic abuse compared to those prosecuted for such offences according to the sex of the victim and making recommendations to address any differences in outcomes between the sexes;”

Member’s explanatory statement

All line references relate to the large print version of
the Bill

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

Philip Davies

14

Clause **6**, page **8**, line **11**, at end insert—

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

Member’s explanatory statement

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

Peter Kyle

40

Clause **7**, page **9**, line **28**, leave out “the Secretary of State” and insert “Parliament”

Member’s explanatory statement

This amendment changes the provision enabling the Commissioner to report to the Secretary of State to one enabling the Commissioner to report to Parliament.

All line references relate to the large print version of
the Bill

Peter Kyle

41

Clause 7, page 10, line 3, leave out subsections (3)
to (5) and insert—

“(3) The Commissioner must ensure that no
material is included in the report which—

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

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

(4) The Commissioner must send a copy of any report
published under this section to the Secretary of
State.”

Member’s explanatory statement

This amendment is linked to Amendment 40.

Philip Davies

15

Clause 11, page 14, line 14, after “Board””, insert
“through an open recruitment process”

Member’s explanatory statement

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

All line references relate to the large print version of
the Bill

Philip Davies

19

Clause **11**, page **15**, line **3**, after the first “of” insert
“each of (a) male and (b) female”

Member’s explanatory statement

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

Liz Saville Roberts

46

Clause **11**, page **15**, line **3**, after “abuse” insert—
“in England;

“(aa) at least one person appearing to the
Commissioner to represent the interests of victims
of domestic abuse in Wales”

Member’s explanatory statement

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

Philip Davies

20

Clause **11**, page **15**, line **7**, after “with”, insert “each of
(a) male and (b) female”

All line references relate to the large print version of
the Bill

Member's explanatory statement

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

Philip Davies

16

Clause 11, page 15, line 9, leave out paragraph (c)

Member's explanatory statement

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

Philip Davies

17

Clause 11, page 15, line 14, leave out paragraph (d)

Member's explanatory statement

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

Jackie Doyle-Price

44

Clause 11, page 15, line 25, after “abuse” insert—”;

All line references relate to the large print version of
the Bill

(g) at least one person appearing to the
Commissioner to represent the interests of
charities and other voluntary organisations that
work with victims of sexual violence and abuse
that amounts to domestic abuse in England”

Member’s explanatory statement

*This amendment will add a representative of sexual
violence and abuse specialist services in a domestic
context to the Commissioner’s advisory board.*

Philip Davies

18

Clause **11**, page **15**, line **30**, leave out subsection (6)

Member’s explanatory statement

*This amendment is consequential upon Amendment
17.*

Peter Kyle

42

Clause **13**, page **17**, line **28**, leave out from “must” to
“on” and insert “report to Parliament”

Member’s explanatory statement

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

All line references relate to the large print version of
the Bill

Peter Kyle

43

Clause **13**, page **18**, line **15**, leave out subsections (3)
to (5) and insert—

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

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

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

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

Member’s explanatory statement

This amendment is linked to Amendment 42.

Philip Davies

21

Clause **55**, page **83**, line **8**, after the first “of”, insert
“each of (a) male and (b) female”

All line references relate to the large print version of
the Bill

Member’s explanatory statement

This amendment would ensure that different people separately represent the interests of both male and female victims on the domestic abuse local partnership boards.

Philip Davies

22

Clause **55**, page **83**, line **15**, after “with” insert “each of (a) male and (b) female”

Member’s explanatory statement

This amendment would ensure that different people separately represent the interests of both male and female organisations on the domestic abuse local partnership boards.

Jackie Doyle-Price

45

Clause **55**, page **83**, line **24**, after “area” insert—”;

(h) at least one person appearing to the authority to represent the interests of charities and other voluntary organisations that work with victims of sexual violence and abuse that amounts to domestic abuse in its area”

All line references relate to the large print version of
the Bill

Member's explanatory statement

This amendment adds a representative of Sexual Violence and Abuse specialist services in a domestic context to the Local Authority's advisory partnership.

Secretary Priti Patel
Secretary Robert Buckland

27

Clause **60**, page **87**, line **21**, at end insert “, and
(c) proceedings in the civil division of the Court
of Appeal arising out of proceedings within
paragraph (a) or (b);”

Member's explanatory statement

This amendment amends the definition of “family proceedings” in new Part 4B of the Matrimonial and Family Proceedings Act 1984 to include proceedings in the Court of Appeal that relate to family proceedings.

Secretary Priti Patel
Secretary Robert Buckland

28

Clause **60**, page **95**, line **10**, leave out “family”

All line references relate to the large print version of
the Bill

Member's explanatory statement

This amendment and amendment 29 would require a court, when deciding whether to make a direction prohibiting cross-examination in person in family proceedings under new section 31U of the Matrimonial and Family Proceedings Act 1984, to have regard to findings of fact made in civil or criminal proceedings as well as family proceedings.

Secretary Priti Patel

Secretary Robert Buckland

29

Clause **60**, page **95**, line **15**, leave out “family”

Member's explanatory statement

See the explanatory statement for Amendment 28.

Philip Davies

26

Page **106**, line **4**, leave out Clause 64

Philip Davies

8

Clause **67**, page **115**, line **9**, leave out paragraph (b)

All line references relate to the large print version of
the Bill

Member’s explanatory statement

*This amendment is consequential upon Amendment
6.*

Philip Davies

23

Clause **67**, page **115**, line **14**, at end insert—

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

Member’s explanatory statement

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

Stella Creasy

35

Clause **68**, page **116**, line **4**, at end insert—

All line references relate to the large print version of
the Bill

“(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.

(2C) In this section—

“chief officer of police” and “police force” have the same meaning as in section 65 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

All line references relate to the large print version of
the Bill

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.”

Christine Jardine

47

Clause **68**, page **116**, line **4**, 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,

All line references relate to the large print version of
the Bill

(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.

All line references relate to the large print version of
the Bill

Philip Davies

9

Clause **68**, page **116**, line **6**, leave out from “that” to
the end of line 31 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.*

Secretary Priti Patel

Secretary Robert Buckland

30

Clause **68**, page **116**, line **6**, at end insert “(excluding
children treated as victims by virtue of section
(*Children as victims of domestic abuse*))”

Member’s explanatory statement

*This amendment is consequential on the new clause
to be inserted by NC15.*

Philip Davies

10

Clause **68**, page **116**, line **8**, after “female”, insert “and
this should in no way exclude male victims from the

All line references relate to the large print version of
the Bill

protection of domestic abuse legislation and services
for survivors.”

Member’s explanatory statement

This amendment is an alternative to Amendment 9.

Secretary Priti Patel

Secretary Robert Buckland

36

Clause **69**, page **117**, line **11**, at end insert—

“() section (Consent to serious harm for sexual
gratification not a defence),”

Member’s explanatory statement

This Amendment is consequential on NC20.

Secretary Priti Patel

Secretary Robert Buckland

37

Clause **70**, page **117**, line **25**, at end insert—

“() section (Consent to serious harm for sexual
gratification not a defence),”

Member’s explanatory statement

This Amendment is consequential on NC20.

All line references relate to the large print version of
the Bill

Secretary Priti Patel
Secretary Robert Buckland

31

Clause 71, page 118, line 15, after “State” insert “or
Lord Chancellor”

Member’s explanatory statement

*This amendment is consequential on the new clause
to be inserted by NC17.*

Secretary Priti Patel
Secretary Robert Buckland

32

Clause 71, page 119, line 5, after “State” insert “or
Lord Chancellor”

Member’s explanatory statement

*This amendment is consequential on the new clause
to be inserted by NC17.*

Secretary Priti Patel
Secretary Robert Buckland

38

Clause 74, page 121, line 3, at end insert—

“() section (Consent to serious harm for sexual
gratification not a defence);”

All line references relate to the large print version of
the Bill

Member's explanatory statement

This Amendment is consequential on NC20.

Secretary Priti Patel
Secretary Robert Buckland

33

Title, line **3**, after “Commissioner;” insert “to make provision for the granting of measures to assist individuals in certain circumstances to give evidence or otherwise participate in civil proceedings;”

Member's explanatory statement

This amendment is consequential on the new clause to be inserted by NC17.

Secretary Priti Patel
Secretary Robert Buckland

34

Title, line **4**, after “family” insert “or civil”

Member's explanatory statement

This amendment is consequential on the new clause to be inserted by NC18.

All line references relate to the large print version of
the Bill

Secretary Priti Patel
Secretary Robert Buckland

39

Title, line **5**, after “circumstances;” insert “to make provision about circumstances in which consent to the infliction of harm is not a defence in proceedings for certain violent offences;”

Member’s explanatory statement

This Amendment is consequential on NC20.

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.

All line references relate to the large print version of
the Bill

3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

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

All line references relate to the large print version of
the Bill

NOTICES WITHDRAWN

*The following Notices were withdrawn on 3 July
2020:*

Amendment 48
