



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Monday 22 June 2020

New Amendments handed in are marked thus ★

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

Amendments tabled since the last publication: NC4 to NC11

CONSIDERATION OF BILL (REPORT STAGE)

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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.

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.
 - (2) The Secretary of State must lay the research before Parliament within 12 months of this Act being passed.”
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Domestic Abuse Bill, *continued*

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.”

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.”

Domestic Abuse Bill, *continued*

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 Jonathan Gullis
 Kim Johnson
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 Kate Griffiths
 Sir Roger Gale
 Sally-Ann Hart
 Sammy Wilson
 Anna McMorris

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*

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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*

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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*

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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
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 Jess Phillips
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 Stella Creasy
 Debbie Abrahams

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

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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*

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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*

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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.

Domestic Abuse Bill, *continued*

- (4) If any matter is included in a publication in contravention of this section, the following persons shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale—
- (a) where the publication is a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;
 - (b) where the publication is a relevant programme—
 - (i) anybody corporate engaged in providing the programme service in which the programme is included; and
 - (ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper;
 - (c) in the case of any other publication, any person publishing it.
- (5) For the purposes of this section—
 “domestic homicide offence” means an offence of murder or manslaughter which has involved domestic abuse; a “publication” includes any speech, writing, relevant programme, social media posting or other communication in whatever form, which is addressed to the public at large or any section of the public (and for this purpose every relevant programme shall be taken to be so addressed), but does not include an indictment or other document prepared for use in particular legal proceedings.”

Member’s explanatory statement

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

ORDER OF THE HOUSE [28 APRIL 2020]

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

Committal

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

Proceedings in Public Bill Committee

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

Proceedings on Consideration and up to and including Third Reading

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

Other proceedings

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