



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Tuesday 23 June 2020**

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*New Amendments handed in are marked thus ★*

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

*Amendments tabled since the last publication: 1 to 26*

### CONSIDERATION OF BILL (REPORT STAGE)

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### DOMESTIC ABUSE BILL, AS AMENDED

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#### NOTE

**This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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

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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.”

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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.”

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**Domestic Abuse Bill, *continued***

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 Theo Clarke  
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 Kim Johnson  
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 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.*

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**Domestic Abuse Bill, *continued***

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 Sir Oliver Heald  
 Charlotte Nichols

NC5

☆ To move the following Clause—

**“No defence for consent to injury**

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

***Member’s explanatory statement***

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

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**Domestic Abuse Bill, *continued***

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 Sir Roger Gale  
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 Sammy Wilson  
 Feryal Clark

NC6

☆ To move the following Clause—

**“Consent of Director of Public Prosecutions**

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

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

***Member’s explanatory statement***

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

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**Domestic Abuse Bill, *continued***

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 Sally-Ann Hart  
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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.*

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**Domestic Abuse Bill, *continued***

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

Helen Hayes  
 Ms Angela Eagle  
 Janet Daby  
 Barbara Keeley  
 Tonia Antoniazzi  
 Mark Garnier  
 Tim Loughton  
 Peter Aldous  
 Mr Andrew Mitchell  
 Alex Davies-Jones  
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 Barry Sheerman  
 Charlotte Nichols

**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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**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.*

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**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.*

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**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.*

Philip Davies

3

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

***Member’s explanatory statement***

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

Philip Davies

1

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

***Member’s explanatory statement***

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

Philip Davies

25

- ★ Clause 1, page 2, line 3, 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.*

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**Domestic Abuse Bill, *continued***

Philip Davies

2

- ★ Clause 1, page 2, line 5, 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 2, 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
- (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 2, 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 2, line 6, at end insert—

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

***Member’s explanatory statement***

*This amendment defines parental alienation.*

Philip Davies

6

- ★ Clause 1, page 2, 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.*

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Domestic Abuse Bill, *continued*

Philip Davies

7

- ★ Clause 1, page 2, line 10, leave out subsection (6)  
*Member's explanatory statement*  
*This amendment is consequential upon Amendment 6.*
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Philip Davies

22

- ★ Clause 5, page 36, 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.*
- 

Philip Davies

11

- ★ Clause 6, page 4, line 3, after “the”, insert “objective”  
*Member's explanatory statement*  
*This amendment aims to ensure there is no bias and that pre-conceived notions do not form part of the identification of domestic abuse process.*

Philip Davies

12

- ★ Clause 6, page 4, line 8, after “abuse”, insert “; (e) a gender-neutral approach to domestic abuse”  
*Member's explanatory statement*  
*This amendment would recognise explicitly that domestic violence affects everyone regardless of their sex.*

Philip Davies

13

- ★ Clause 6, page 4, line 23, at end insert—  
 “(h) monitoring the estimated number of actual victims of domestic abuse compared to those prosecuted for such offences according to the sex of the victim and making recommendations to address any differences in outcomes between the sexes;”  
*Member's explanatory statement*  
*This amendment would make sure that male and female perpetrators of domestic abuse are prosecuted in similar relative numbers.*

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**Domestic Abuse Bill, *continued***

Philip Davies

14

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

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

***Member’s explanatory statement***

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

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Philip Davies

15

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

***Member’s explanatory statement***

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

Philip Davies

19

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

***Member’s explanatory statement***

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

Philip Davies

20

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

***Member’s explanatory statement***

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

Philip Davies

16

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

***Member’s explanatory statement***

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

Philip Davies

17

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

***Member’s explanatory statement***

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

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Domestic Abuse Bill, *continued*

Philip Davies

18

- ★ Clause 11, page 7, line 24, leave out subsection (6)  
*Member's explanatory statement*  
*This amendment is consequential upon Amendment 17.*
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Philip Davies

21

- ★ Clause 55, page 36, line 11, after the first “of”, insert “each of (a) male and (b) female”  
*Member's explanatory statement*  
*This amendment would ensure that different people separately represent the interests of both male and female victims on the domestic abuse local partnership boards.*
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Philip Davies

26

- ★ Page 46, line 38, leave out Clause 64
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Philip Davies

8

- ★ Clause 67, page 51, line 12, leave out paragraph (b)  
*Member's explanatory statement*  
*This amendment is consequential upon Amendment 6.*

Philip Davies

23

- ★ Clause 67, page 51, line 15, at end insert—  
 “(4) If it transpires that the local authority has been given incorrect information or that it has taken into account false allegations of domestic abuse as the basis for granting a tenancy, it must revoke the secure tenancy within 7 days of receiving this information by giving the tenant 28 days notice to quit in addition to passing on such information to the police, where they are not already involved, as soon as is practicable thereafter.”  
*Member's explanatory statement*  
*This amendment makes provision for someone who has made false allegations of domestic abuse to lose the home they gained under these false pretences.*
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**Domestic Abuse Bill, *continued***

Philip Davies

9

- ★ Clause 68, page 51, line 30, 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.*

Philip Davies

10

- ★ Clause 68, page 51, line 31, after “female”, insert “and this should in no way exclude male victims from the protection of domestic abuse legislation and services for survivors.”

*Member’s explanatory statement*

*This amendment is an alternative to Amendment 9.*

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ORDER OF THE HOUSE [28 APRIL 2020]

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

*Committal*

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

*Proceedings in Public Bill Committee*

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

*Proceedings on Consideration and up to and including Third Reading*

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