



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Tuesday 30 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: 35 to 39 and NC19 to NC20*

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**This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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

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.
- (4) In this section—

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**Domestic Abuse Bill, *continued***

“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.*

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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.
- (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;

“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.*

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**Domestic Abuse Bill, *continued***

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 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—
    - (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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**Domestic Abuse Bill, *continued***

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 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—
  - (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

**Domestic Abuse Bill, *continued***

- (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—
  - (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;
  - (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 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—

**Domestic Abuse Bill, *continued***

- (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.

**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.
- (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.
- (8) For the purposes of this section—
  - (a) a reference to cross-examination includes a reference to continuing to conduct cross-examination;

**Domestic Abuse Bill, *continued***

- (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 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).
- (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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 Domestic Abuse Bill, *continued*

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
    - (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.”

***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).*

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**Domestic Abuse Bill, *continued***

Fiona Bruce  
Sir Desmond Swayne

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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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***

Ms Harriet Harman  
 Mark Garnier  
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Mr Andrew Mitchell  
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 Theo Clarke  
 Sir George Howarth  
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 Ian Byrne  
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 Dame Margaret Hodge  
 Ben Lake  
 Emma Hardy  
 Allan Dorans  
 Mohammad Yasin  
 Dr Lisa Cameron  
 Steve McCabe  
 Jonathan Gullis  
 Kim Johnson  
 Gill Furniss  
 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.*

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**Domestic Abuse Bill, *continued***

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 Dame Cheryl Gillan  
 Mr William Wragg  
 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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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  
 Sammy Wilson  
 Feryal Clark

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  
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 Stella Creasy  
 Debbie Abrahams

Helen Hayes  
 Ms Angela Eagle  
 Janet Daby  
 Barbara Keeley  
 Tonia Antoniazzi  
 Mark Garnier  
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 Colum Eastwood  
 Dame Margaret Hodge  
 Ben Lake  
 Karin Smyth  
 Dr Julian Lewis  
 Richard Graham  
 Fleur Anderson  
 Christina Rees  
 Paula Barker  
 Dr Rupa Huq  
 Tracey Crouch  
 Simon Fell  
 Mr 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.*

---

**Domestic Abuse Bill, *continued***

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

Mr Andrew Mitchell  
 Tulip Siddiq  
 Tracy Brabin  
 Alex Davies-Jones  
 Yvonne Fovargue  
 Dawn Butler  
 Tonia Antoniazzi  
 Steven Bonnar  
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 Catherine West  
 John Spellar  
 Jack Dromey  
 Meg Hillier  
 Kate Osborne  
 Dr Julian Lewis  
 Richard Graham  
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 Helen Hayes  
 Christina Rees  
 Paula Barker  
 Dr Rupa Huq  
 Tracey Crouch  
 Simon Fell  
 Jackie Doyle-Price  
 Feryal Clark

Peter Aldous  
 Yvette Cooper  
 Debbie Abrahams  
 Ruth Jones  
 Sarah Owen  
 Dame Diana Johnson  
 Olivia Blake  
 Mr Virendra Sharma  
 Andrew Gwynne  
 Lilian Greenwood  
 Stephen Farry  
 Tony Lloyd  
 Geraint Davies  
 Karin Smyth  
 Damian Collins  
 Richard Burgon  
 Sarah Olney  
 Stella Creasy  
 Kim Johnson  
 Gill Furniss  
 Kate Griffiths  
 Dame Cheryl Gillan  
 Mr William Wragg  
 Mr Barry Sheerman  
 Charlotte Nichols

Jess Phillips  
 Rosie Duffield  
 Sarah Champion  
 Rosie Cooper  
 Mrs Maria Miller  
 Claudia Webbe  
 Ruth Cadbury  
 Sir George Howarth  
 Liz Saville Roberts  
 Ian Byrne  
 Colum Eastwood  
 Dame Margaret Hodge  
 Ben Lake  
 Emma Hardy  
 Mohammad Yasin  
 Dr Lisa Cameron  
 Steve McCabe  
 Mrs Pauline Latham  
 John Cryer  
 Ms Nusrat Ghani  
 Sir Roger Gale  
 Sally-Ann Hart  
 Sammy Wilson  
 Anna McMorrin

**NC9**

To move the following Clause—

**“Offence of non-fatal strangulation in domestic abuse context**

A person (A) commits an offence if that person unlawfully strangles, suffocates or asphyxiates another person (B) to whom they are personally connected as defined in section 2 of this Act, where the strangulation, suffocation or asphyxiation does not result in B’s death.”

***Member’s explanatory statement***

*This new clause will create a new offence of non-fatal strangulation in domestic abuse offences.*

---

**Domestic Abuse Bill, *continued***

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

Mr Andrew Mitchell  
 Tulip Siddiq  
 Tracy Brabin  
 Alex Davies-Jones  
 Yvonne Fovargue  
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 Darren Jones  
 Catherine West  
 John Spellar  
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 Zarah Sultana  
 Dr Julian Lewis  
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 Mohammad Yasin  
 Dr Lisa Cameron  
 Steve McCabe  
 Christina Rees  
 Paula Barker  
 Dr Rupa Huq  
 Sir Roger Gale  
 Sally-Ann Hart  
 Sammy Wilson  
 Feryal Clark

**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***

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

Mr Andrew Mitchell  
 Tulip Siddiq  
 Tracy Brabin  
 Alex Davies-Jones  
 Yvonne Fovargue  
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 John Cryer  
 Ms Nusrat Ghani  
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 Sir George Howarth  
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 Allan Dorans  
 Richard Graham  
 Fleur Anderson  
 Helen Hayes  
 Kim Johnson  
 Gill Furniss  
 Kate Griffiths  
 Tracey Crouch  
 Simon Fell  
 Jackie Doyle-Price  
 Charlotte Nichols

**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.

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**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.*

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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 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.”
-

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**Domestic Abuse Bill, *continued***

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.
- (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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**Domestic Abuse Bill, *continued***

Caroline Lucas  
Peter Kyle  
Liz Saville Roberts

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.
- (4) The matters relating to a survivor in relation to which the restrictions imposed by subsection (1) or (2) apply (if their inclusion in any publication is likely to have the result mentioned in that subsection) include—
  - (a) the survivor’s name;
  - (b) the survivor’s address;
  - (c) the identity of any school or other educational establishment the survivor attended;
  - (d) the identity of any place where the survivor worked;
  - (e) any still or moving pictures of the survivor; and
  - (f) any other matter that might lead to the identification of the survivor.
- (5) At the commencement of a trial at which a person is charged with a relevant offence, the judge may issue a direction for lifting the restrictions only following an application by or on behalf of the survivor.
- (6) Any matter that is included in a publication in contravention of this section must be deleted from that publication and no further reference to the matter may be made in any publication.
- (7) If any matter is included in a publication in contravention of this section, the following persons shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale—
  - (a) where the publication is a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;
  - (b) where the publication is a relevant programme—
    - (i) any body corporate or Scottish partnership engaged in providing the programme service in which the programme is included; and
    - (ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper;
  - (c) in the case of any other publication, any person publishing it.
- (8) For the purposes of the section—
 

“publication” means any material published online or in physical form as any well as any speech, writing, website, online news outlet, social media posting, relevant programme or other communication in whatever form which is addressed to the public at large or any section of the public.

a “relevant offence” means any offence where it is alleged by the survivor that the behaviour of the accused amounted to domestic abuse.

**Domestic Abuse Bill, continued**

“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.*

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

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.*

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

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

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**Domestic Abuse Bill, *continued***

- (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.*

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

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.*

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Domestic Abuse Bill, *continued*

Philip Davies

Clause 6, page 4, line 8, after “abuse”, insert “; (e) a gender-neutral approach to domestic abuse” 12

***Member’s explanatory statement***

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

Philip Davies

Clause 6, page 4, line 23, at end insert— 13

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

***Member’s explanatory statement***

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

Philip Davies

Clause 6, page 4, line 23, at end insert— 14

“(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.*

---

Philip Davies

Clause 11, page 6, line 38, after “Board”)”, insert “through an open recruitment process” 15

***Member’s explanatory statement***

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

Philip Davies

Clause 11, page 7, line 7, after the first “of” insert “each of (a) male and (b) female” 19

***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

Clause 11, page 7, line 9, after “with”, insert “each of (a) male and (b) female” 20

***Member’s explanatory statement***

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

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**Domestic Abuse Bill, *continued***

Philip Davies

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.*

Philip Davies

18

Clause 11, page 7, line 24, leave out subsection (6)

***Member's explanatory statement***

*This amendment is consequential upon Amendment 17.*

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.*

Philip Davies

22

Clause 55, 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.*

Secretary Priti Patel

Secretary Robert Buckland

27

☆ Clause 60, page 38, line 22, 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.*



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Domestic Abuse Bill, *continued*

Secretary Priti Patel

Secretary Robert Buckland

28

☆ Clause 60, page 41, line 43, leave out “family”

***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 41, line 46, leave out “family”

***Member’s explanatory statement***

*See the explanatory statement for Amendment 28.*

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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***

Stella Creasy  
Christine Jardine  
Debbie Abrahams

35

★ Clause 68, page 51, line 28, at end insert—

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

Secretary Priti Patel  
Secretary Robert Buckland

30

☆ Clause 68, page 51, line 30, 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

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.*

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Domestic Abuse Bill, *continued*

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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Secretary Priti Patel

Secretary Robert Buckland

36

★ Clause 69, page 52, line 13, 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 52, line 24, 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

31

☆ Clause 71, page 52, line 37, 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 53, line 11, after “State” insert “or Lord Chancellor”

***Member’s explanatory statement***

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

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**Domestic Abuse Bill, *continued***

Secretary Priti Patel  
Secretary Robert Buckland

38

- ★ Clause 74, page 54, line 10, 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

33

- ☆ Title, line 2, 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 3, after “family” insert “or civil”  
***Member’s explanatory statement***  
*This amendment is consequential on the new clause to be inserted by NC18.*

Secretary Priti Patel  
Secretary Robert Buckland

39

- ★ Title, line 4, 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.*

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**Domestic Abuse Bill, *continued***

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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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