

Domestic Abuse Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 2

LORD ROSSER

Page 2, line 27, at end insert—

“(h) one person is a provider of care to the other.”

Member’s explanatory statement

This amendment, and that to page 2, line 37, would ensure that a carer of a person with disabilities is included in the definition of "personally connected".

Page 2, line 37, at end insert—

““provider of care” means any person (“A”) who provides ongoing emotional, psychological or physical support to another person (“B”) with the aim of enabling B to live independently, whether or not A is paid for this support;”

Member’s explanatory statement

An amendment to ensure that a carer of a person with disabilities is included in the definition of "personally connected".

Clause 7

BARONESS MEACHER

Page 4, line 35, at end insert—

“(h) ensuring that nationwide psychological therapy services are available to couples experiencing conflict and potential domestic abuse.”

Member’s explanatory statement

This amendment ensures that prevention of domestic abuse is a top priority for the Commissioner.

Clause 8

LORD ROSSER

Page 5, line 16, 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.

Page 5, line 19, 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 would remove the power for the Secretary of State to direct the Commissioner to omit material, and replaces it with a statutory duty on the Commissioner to ensure nothing in the report jeopardises anything under sections (a) or (b).

Clause 12

BARONESS MEACHER

Page 7, line 33, at end insert –

- “(g) at least one person appearing to the Commissioner to represent psychological therapy services for couples experiencing conflict and potential domestic abuse in England.”

Member’s explanatory statement

This amendment ensures a focus by the Advisory Board upon prevention of domestic abuse as a top priority.

Clause 14

LORD ROSSER

Page 8, line 32, leave out “submit to the Secretary of State an annual report” and insert “report to Parliament”

Member’s explanatory statement

This would provide for the Commissioner to make an annual report to Parliament, instead of the Secretary of State.

Page 8, line 41, 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.

Clause 14 - continued

- (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 would remove the power for the Secretary of State to direct the Commissioner to omit material, and replaces it with a statutory duty on the Commissioner to ensure nothing in the report jeopardises anything under sections (a) or (b).

After Clause 16

BARONESS ARMSTRONG OF HILL TOP
BARONESS CRAWLEY
BARONESS RITCHIE OF DOWNPATRICK
LORD HUNT OF KINGS HEATH

Insert the following new Clause—

“Duties of public authorities in relation to training

- (1) Subject to subsection (3), all public authorities specified in section 15(3) must, in consultation with the Commissioner—
 - (a) train those staff who provide a service to people who suffer or may suffer domestic abuse to make enquiries about domestic abuse,
 - (b) ensure that such enquiries are made, and
 - (c) report to the Commissioner such statistics on enquiries or training as the Commissioner deems necessary.
- (2) If the Commissioner has published guidance on training or reporting under section 7(2)(d), the training or reporting provided by public authorities to their staff must meet standards specified in such guidance, so far as such standards apply to the public authority.
- (3) The Commissioner must produce an annual report, in accordance with section 14(1)(c).
- (4) Nothing in this section prevents the Commissioner from specifying that the staff of any public authority should receive additional training or make enhanced or targeted enquiries.”

Clause 55

BARONESS FINLAY OF LLANDAFF
BARONESS MCINTOSH OF PICKERING

Page 35, line 19, at end insert—

- “(d) ensure all Child Contact Centres and organisations that offer facilities or services for child contact are accredited, to ensure domestic abuse and safeguarding protections for children and families.”

After Clause 55

LORD ROSSER

Insert the following new Clause—

“Commissioning 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 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 55(2), each relevant local authority may discharge the duty under subsection (2)(a) through compliance with its obligations under section 55(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 are 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 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.

After Clause 55 - continued

“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.

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

“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.

Clause 56

BARONESS MEACHER

Page 36, line 41, at end insert –

- “(h) at least one person appearing to the authority to represent psychological therapy services for couples experiencing conflict and potential domestic abuse.”

Member’s explanatory statement

This amendment ensures a focus by the local partnership boards upon prevention of domestic abuse as a top priority.

After Clause 64

LORD ROSSER

Insert the following new Clause –

“Proceedings under the Children Act 1989

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

Member’s explanatory statement

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

After Clause 65

BARONESS NEWLOVE
 BARONESS WILCOX OF NEWPORT
 BARONESS MEACHER

Insert the following new Clause –

“Offence of non-fatal strangulation or suffocation

- (1) A person (“A”) commits an offence if that person unlawfully strangles or suffocates another person (“B”), where the strangulation or suffocation does not result in B’s death.
- (2) A strangles or suffocates B if A impedes B’s breathing, blood circulation, or both, by doing any of the following (manually or using any aid) –
 - (a) blocking B’s nose, mouth, or both; or

After Clause 65 - continued

- (b) applying pressure on, or to, B’s throat, neck, chest or more than one of these.
- (3) A person guilty of an offence under this section is liable—
 - (a) on summary conviction—
 - (i) to imprisonment for a term not exceeding 12 months (or six months, if the offence was committed before the coming into force of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020), or
 - (ii) to a fine, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or both.”

Insert the following new Clause—

“Offence of non-fatal strangulation or suffocation in domestic abuse context

- (1) A person (“A”) commits an offence if that person unlawfully strangles or suffocates another person (“B”) to whom they are personally connected as defined in section 2 of this Act, where the strangulation or suffocation does not result in B’s death.
- (2) A strangles or suffocates B if A impedes B’s breathing, blood circulation, or both, by doing any of the following (manually or using any aid)—
 - (a) blocking B’s nose, mouth, or both; or
 - (b) applying pressure on, or to, B’s throat, neck, chest or more than one of these.
- (3) A person guilty of an offence under this section is liable—
 - (a) on summary conviction—
 - (i) to imprisonment for a term not exceeding 12 months (or six months, if the offence was committed before the coming into force of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020), or
 - (ii) to a fine, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or both.”

Member’s explanatory statement

This amendment presents an alternative to the proposed new Clause with a similar title in the name of Baroness Newlove. This version specifies in subsection (1) that person A is personally connected to person B, as defined in section 2.

After Clause 72

LORD ROSSER

Insert the following new Clause—

“Recourse to public funds for domestic abuse survivors

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

After Clause 72 - continued

- (2) In section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) 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 2021.”
- (3) In paragraph 2(1) of Schedule 3 to the Nationality, Immigration and Asylum Act 2002 after sub-paragraph (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 2021, or”.
- (4) In section 21 of the Immigration Act 2014 (persons disqualified by immigration status or with limited right to rent) 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 (general provisions for regulation and control) after subsection (1) insert –
 - “(1A) The Secretary of State may not make or maintain a condition under subsection (1)(c)(ii) on leave granted to a victim of domestic abuse in the United Kingdom 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 2021; 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;
 - (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;

After Clause 72 - continued

- (i) a letter from a social services department confirming its involvement in providing services to a person in respect of allegations of domestic abuse;
 - (j) a letter of support or a report from a domestic abuse support organisation; or
 - (k) other evidence of domestic abuse, including from a counsellor, midwife, school, witness or the victim.
- (7) For the purposes of this section –
- “domestic abuse” has the same meaning as in section 1 of the Domestic Abuse Act 2021;
 - “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.

Insert the following new Clause –

“A strategic plan for perpetrators of domestic abuse

Within one year of the passing of this Act, the Government must lay before Parliament a comprehensive perpetrator strategy for domestic abuse to –

- (a) improve the identification and assessment of perpetrators,
- (b) increase the number of rehabilitation programmes, and
- (c) increase specialist work to tackle abusive attitudes and behaviour.”

Member’s explanatory statement

This would require the Government to provide a comprehensive perpetrator strategy for domestic abuse, within one year of the Act being passed.

BARONESS LISTER OF BURTERSETT
LORD HARRIES OF PENTREGARTH
BARONESS BERTIN
LORD ROSSER

Insert the following new Clause –

“Controlling or coercive behaviour offence: post-separation abuse

- (1) Section 76 (controlling or coercive behaviour in an intimate or family relationship) of the Serious Crime Act 2015 is amended as follows.
- (2) Leave out subsection (2) and insert –

After Clause 72 - continued

“(2) “personally connected” has the meaning as set out in section 2 of the Domestic Abuse Act 2020.”

(3) Leave out subsections (6) and (7).”

Member’s explanatory statement

This new Clause would ensure that those who were previously personally connected are protected from any coercive and controlling behaviour (including economic abuse) that occurs post-separation.

BARONESS LISTER OF BURTERSETT

Insert the following new Clause—

“Repayment of universal credit advances

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

“domestic abuse” has the meaning set out in section 1 of the Domestic Abuse Act 2020;

“victim of domestic abuse” means a person on or against whom domestic abuse is inflicted or threatened.””

Member’s explanatory statement

This Clause would exempt domestic abuse survivors from having to repay any benefit advance made to mitigate the effects of waiting at least 5 weeks for a first universal credit payment.

THE LORD BISHOP OF GLOUCESTER
LORD ROSSER

Insert the following new Clause—

“Victims of domestic abuse: leave to remain and the DDVC

- (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—

After Clause 72 - continued

- (a) 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
 - (b) provide for those rules to be commenced no later than one month after 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 six months to any person eligible to make an application under the immigration rules for the purposes of subsection (2); such leave must include no condition under section 3(1)(c)(i), (ia), (ii) or (v) of the Immigration Act 1971.
- (4) The Secretary of State must make provision for extending limited leave to remain granted in accordance with subsection (3) to ensure that leave continues throughout the period during which an application made under the immigration rules for the purposes of subsection (2) remains pending.
- (5) Where subsection (6) applies, notwithstanding any statutory or other provision, no services shall be withheld from a victim of domestic abuse solely by reason of that person not having leave to remain or having leave to remain subject to a condition under section 3(1)(c) of the Immigration Act 1971.
- (6) This subsection applies where a provider of services is satisfied that the victim of domestic abuse is eligible to make an application to which subsection (3) refers.
- (7) The Secretary of State must, for the purposes of subsection (5), issue guidance to providers of services about the assessment of eligibility to make an application to which subsection (3) refers.
- (8) In this section—
- (a) an application is pending during the period—
 - (i) beginning when it is made,
 - (ii) ending when it is finally decided, withdrawn or abandoned, and
 - (b) 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 would make provision in the immigration rules for the granting of indefinite leave to remain to migrant survivors of domestic abuse. It would provide for limited leave to remain, and access to services, for a survivor who is eligible to apply for indefinite leave to remain.

BARONESS LISTER OF BURTERSETT

Insert the following new Clause –

“Benefit cap: domestic abuse

- (1) Section 96 of the Welfare Reform Act 2012 (benefit cap) is amended in accordance with subsection (2)
- (2) After subsection (9) insert –
 - “(9A) Regulations made under subsection (4)(c) must provide for an exception where –
 - (a) the behaviour of a person (“A”) towards another person (“B”) constitutes domestic abuse within the meaning of section 1 of the Domestic Abuse Act 2020;
 - (b) A and B are personally connected within the meaning of section 2 of that Act;
 - (c) B claims a welfare benefit as a single person; and
 - (d) B’s claim for benefit as a single person was necessitated by A’s behaviour towards them, regardless of whether B had been part of a joint claim with A or not.
 - (9B) Regulations made under subsection (9A) must provide for exceptions as follows –
 - (a) where person B would fall within the grace period at article 82(1)(b) and (2) Universal Credit Regulations 2013, SI 2013/376, for a period of not less than 3 months from the end of that grace period; or
 - (b) where person B would not fall within the grace period at article 82(1)(b) and (2) Universal Credit Regulations 2013, SI 2013/376, for a period of not less than 12 months beginning with the date B first received a welfare benefit which included a housing costs element within the award of universal credit, or housing benefit not falling within Regulations 75F and 75H Housing Benefit Regulations 2006.
 - (9C) Regulations made under subsections (9A) and (9B) must provide that where person B falls within paragraphs 3(h) and 3A(4) of Schedule 1 Universal Credit Regulations 2013, SI 2013/376, the grace period at article 82(1)(b) and (2) and/or the exception at (9B) above commence from the date when she ceases to fall within those paragraphs.”

Member’s explanatory statement

This amendment provides for the benefit cap to be dis-applied for 12 months for a person (B) making a new universal credit claim in her own name where she has separated from a partner (A) who has subjected her to domestic abuse.

BARONESS LISTER OF BURTERSETT
LORD ROSSER

Insert the following new Clause –

“Duty to assess impact of social security reforms on victims of domestic abuse

- (1) When developing social security reform policies, the relevant government department must assess the impact of such policies on individuals who are, or are likely to become, victims of domestic abuse within the meaning of section 1 of this Act, and promote their wellbeing through those policies.

After Clause 72 - continued

- (2) For the purposes of subsection (1) "wellbeing", relates to any of the following—
 - (a) physical and mental health and emotional wellbeing;
 - (b) protection from abuse and neglect;
 - (c) control over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided);
 - (d) participation in work, education, training or recreation;
 - (e) social and economic wellbeing; and
 - (f) suitability of living accommodation.
- (3) In exercising the duty under subsection (1), the appropriate authority must have regard to the following matters in particular —
 - (a) the importance of individuals who are, or are likely to become, victims of domestic abuse being able to escape abusive relationships;
 - (b) the importance of individuals who are, or are likely to become, victims of domestic abuse being able to become economically independent of the perpetrator(s) of abuse; and
 - (c) the importance of individuals who are or are likely to become victims of domestic abuse being able to rebuild their lives."

Member's explanatory statement

This new Clause would place a duty on the relevant government department to assess the impact of any social security reforms on the victims or potential victims of domestic abuse.

BARONESS MEACHER

Insert the following new 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.
- (2) The Secretary of State must make arrangements to ensure that the personal data of a witness to domestic abuse in the United Kingdom that is processed for the purpose of that person giving information or evidence to assist the investigation or prosecution of that abuse, or to assist the victim of that abuse in any legal proceedings, is not used for any immigration control purpose.
- (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.

After Clause 72 - continued

- (5) For the purposes of this section –
- “immigration control purpose” means any purpose of the functions to which subsection (4)(b) and (c) 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.

LORD RAMSBOTHAM

Insert the following new 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 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 the 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 the behaviour of the accused amounts to domestic abuse within the meaning of section 1 of this Act.”

Insert the following new 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 –

After Clause 72 - continued

- (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.”

Clause 73

BARONESS LISTER OF BURTERSETT

Page 58, line 8, at end insert “and any strategy to end violence against women and girls adopted by a Minister of the Crown.”

Member’s explanatory statement

This amendment ensures that statutory guidance issued alongside the Domestic Abuse Bill takes into account any violence against women and girls (VAWG) strategy adopted by the Government, so that efforts to prevent and address domestic abuse are linked to integrated and coordinated responses to tackle VAWG.

Schedule 2

BARONESS BERTIN

Page 64, line 37, leave out paragraph (b)

Page 65, leave out lines 12 and 13

Page 65, leave out lines 20 to 25 and insert –

“(c) after paragraph 1(d)(ii), insert –

“(e) an offence under any of sections 1 to 4 where the victim of the offence was 18 or over at the time of the offence.””

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6 January 2021
