

Domestic Abuse Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 7

BARONESS FINLAY OF LLANDAFF

Page 4, line 20, at end insert “, including substance use, addictions and mental health support”

Member’s explanatory statement

This amendment specifies that the good practice that the Commissioner must encourage in providing protection and support to people affected by domestic abuse must include substance use and mental health support.

LORD RAMSBOTHAM
BARONESS ANDREWS
BARONESS FINLAY OF LLANDAFF

Page 4, line 20, at end insert “which must include the identification of and response to any speech, language and communication needs that those people have.”

BARONESS FINLAY OF LLANDAFF

Page 4, line 35, at end insert –

“() having regard to the relationship between domestic abuse and substance use.”

Member’s explanatory statement

This amendment specifies that the Commissioner may have regard to the relationship between domestic abuse and substance use as part of their duties.

Clause 8

BARONESS LISTER OF BURTERSETT

Page 5, line 29, at end insert –

“(7) Within one year of the passing of this Act, the Commissioner must publish a report under this section, which –

(a) investigates the impact of Universal Credit single household payments on victims of domestic abuse; and

Clause 8 - continued

- (b) investigates and presents alternative options for the payment of Universal Credit (single household payments) that protect victims of domestic abuse.”

Member’s explanatory statement

This amendment would place a legal duty on the Domestic Abuse Commissioner to investigate the payment of Universal Credit separately to members of a couple and to lay a report to Parliament.

Clause 12

BARONESS FINLAY OF LLANDAFF

Page 7, line 33, at end insert –

- “() at least one person appearing to the Commissioner to have expertise in relation to substance use, addictions and mental health.”

Member’s explanatory statement

This amendment adds a requirement that the advisory board to the Domestic Abuse Commissioner include at least one person with expertise in substance use and mental health.

Clause 33

BARONESS WILLIAMS OF TRAFFORD

Page 20, line 39, at end insert –

- “(c) may not come within a specified distance of any other specified premises, or any other premises of a specified description, in England or Wales.”

Member’s explanatory statement

This amendment enables a court making a domestic abuse protection order to prohibit the person against whom it is made from coming within a specified distance of other premises, in addition to those where the person to be protected by the order lives.

Clause 34

BARONESS WILLIAMS OF TRAFFORD

Page 21, line 12, leave out from “with” to “an” in line 13 and insert “the person’s work or with the person’s attendance at”

Member’s explanatory statement

This amendment makes clear that requirements imposed on a person by a domestic abuse protection order (such as, for example, requirements prohibiting the person from coming within a specified distance of particular premises) must, so far as practicable, not interfere with the person’s work or with the person’s attendance at an educational establishment.

Clause 55

LORD RAMSBOTHAM
BARONESS ANDREWS
BARONESS FINLAY OF LLANDAFF

Page 35, line 19, at end insert –

“(d) ensure that the strategy details how the local authority will identify and respond to speech, language and communication needs.”

BARONESS FINLAY OF LLANDAFF

Page 35, line 21, at end insert “including, where necessary, substance use, addictions and mental health support,”

Member’s explanatory statement

This amendment puts an obligation on local authorities to provide substance use and mental health support to victims of domestic abuse, where necessary.

After Clause 55

BARONESS BURT OF SOLIHULL

Insert the following new Clause –

“Local Welfare Provision schemes

- (1) Every local authority in England must deliver a Local Welfare Provision scheme which provides financial assistance to victims of domestic abuse.
- (2) The Secretary of State must issue guidance on the nature and scope of Local Welfare Provision schemes and review this twice each year in consultation with the Domestic Abuse Commissioner and other such individuals and agencies as the Secretary of State deems appropriate.
- (3) The Chancellor of the Exchequer must provide local authorities with additional funding designated for Local Welfare Provision, to increase per year with inflation.”

Member’s explanatory statement

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

Clause 56

LORD RAMSBOTHAM
BARONESS ANDREWS
BARONESS FINLAY OF LLANDAFF

Page 36, line 41, at end insert –

“() The members of the domestic abuse local partnership board must also include a speech and language therapist, who may also be the member fulfilling the requirement of subsection (2)(f).”

Clause 62

LORD RAMSBOTHAM
 BARONESS ANDREWS
 BARONESS FINLAY OF LLANDAFF

Page 39, line 28, at end insert –

“() Rules of court made by virtue of subsection (1) must include the provision of appropriate support for those with speech, language and communication needs.”

Clause 63

BARONESS WILLIAMS OF TRAFFORD

Page 41, line 20, after “conviction” insert “by or”

Member’s explanatory statement

This amendment makes a minor drafting change.

Page 41, line 24, at end insert “, including –

- (i) in the case of proceedings in respect of a service offence, anything that under section 376(1) and (2) of the Armed Forces Act 2006 (which relates to summary hearings and the Summary Appeal Court) is to be treated as a conviction for the purposes of that Act, and
- (ii) in the case of any other service disciplinary proceedings, a finding of guilt in those proceedings;”

Member’s explanatory statement

This amendment provides that “conviction”, in relation to service disciplinary proceedings, includes a finding of guilt and a finding in summary proceedings before an officer that a charge has been proved.

Page 41, line 32, leave out from “offence” to “(except” in line 33

Member’s explanatory statement

This amendment and the Minister’s amendment at page 41, line 41 expand the definition of “service disciplinary proceedings” to include proceedings in respect of offences under previous armed forces legislation.

Page 41, line 34, leave out “that Act” and insert “the Armed Forces Act 2006”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment at page 41, line 32.

Page 41, line 41, at end insert –

““service offence” means –

- (a) a service offence within the meaning of the Armed Forces Act 2006, or

Clause 63 - continued

- (b) an SDA offence within the meaning of the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059);”

Member’s explanatory statement

See the explanatory statement for the Minister’s amendment at page 41, line 32.

Page 42, line 1, leave out “80” and insert “82”

Member’s explanatory statement

This amendment corrects an incorrect cross-reference.

After Clause 72

LORD HUNT OF KINGS HEATH
BARONESS GREENGROSS

Insert the following new Clause—

“Controlling or coercive behaviour: England and Wales

- (1) Section 76 (controlling or coercive behaviour in an intimate or family relationship) of the Serious Crime Act 2015 is amended as follows.
- (2) In subsection (2), leave out paragraph (b) and insert—
 - “(b) A and B are members of the same family, or
 - (c) A and B live together and have previously been in an intimate personal relationship with each other.”
- (3) In subsection (6), leave out “(2)(b)(i)” and insert “(2)(b)”.”

Member’s explanatory statement

The purpose of this new Clause is to ensure that, where controlling or coercive behaviour is being carried out by a relative, as already defined in section 76(7) of the Serious Crime Act 2015, the offence under section 76 applies irrespective of whether that relative shares accommodation with the victim.

BARONESS BURT OF SOLIHULL

Insert the following new Clause—

“Guidance: child maintenance

- (1) The Secretary of State must issue guidance relating to the payment of child maintenance where the person with care of the child is a victim of domestic abuse.
- (2) Guidance issued under this section must take account of—
 - (a) the potential for the withholding or reducing of child maintenance to constitute economic abuse under section 1(4) of this Act;
 - (b) the need for enforcement action to prevent non-payment; and
 - (c) the difficulties faced by victims of domestic abuse in obtaining evidence to support an application for a variation of a child maintenance calculation.

After Clause 72 - continued

- (3) The Child Maintenance Service must have regard to any guidance issued under this section when exercising a function to which the guidance relates.
- (4) Before issuing guidance under this section, the Secretary of State must consult—
 - (a) the Domestic Abuse Commissioner, and
 - (b) such other persons as the Secretary of State considers appropriate.
- (5) The Secretary of State must publish any guidance issued under this section.”

Member’s explanatory statement

This new Clause would require the Secretary of State to issue guidance to the Child Maintenance Service to tackle the problem of abusers continuing economic abuse by withholding or reducing child maintenance payments.

Clause 73**BARONESS WILLIAMS OF TRAFFORD**

Page 57, line 44, leave out “in England and Wales” and insert “—

- (i) in England, and
- (ii) so far as not relating to Welsh devolved matters, in Wales.”

Member’s explanatory statement

This amendment and the Minister’s amendment at page 58, line 28 would ensure that guidance issued by the Secretary of State under clause 73(1)(b) about matters relating to domestic abuse in Wales does not relate to matters that are devolved in relation to Wales.

BARONESS BURT OF SOLIHULL

Page 58, line 5, at end insert —

- “(2A) The Secretary of State must issue separate statutory guidance on domestic abuse that also constitutes teenage relationship abuse and such guidance must address how to ensure there are —
- (a) sufficient levels of local authority service provision for both victims and perpetrators of such abuse,
 - (b) child safeguarding referral pathways for both victims and perpetrators of such abuse.
- (2B) The guidance in subsection (2A) must be published within three months of the passing of this Act, and must be reviewed twice in each year.
- (2C) For the purposes of subsection (2A), “teenage relationship abuse” is defined as any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse, which can encompass, but is not limited to, psychological, physical, sexual, economic and emotional abuse, including through the use of technology, between those aged 18 or under who are, or have been, in a romantic relationship regardless of gender or sexual orientation.”

Member's explanatory statement

This amendment would place a duty on the Secretary of State to publish separate statutory guidance on teenage relationship abuse. The statutory guidance would not just cover victims of teenage domestic abuse but extend to those who perpetrate abuse within their own teenage relationships.

LORD RAMSBOTHAM
BARONESS ANDREWS
BARONESS FINLAY OF LLANDAFF

Page 58, line 8, at end insert –

- “() Any guidance issued under this section must include information on –
- (a) the links between –
 - (i) domestic abuse, and
 - (ii) speech, language and communication needs;
 - (b) the impact of witnessing domestic abuse on children’s speech, language and communication needs.”

BARONESS WILLIAMS OF TRAFFORD

Page 58, line 28, at end insert –

- “() For the purposes of this section something relates to Welsh devolved matters so far as it relates to –
- (a) any matter provision about which would be within the legislative competence of Senedd Cymru if it were contained in an Act of Senedd Cymru, or
 - (b) (so far as it is not within paragraph (a)), any matter functions with respect to which are exercisable by the Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Government or the Senedd Commission.”

Member's explanatory statement

See the explanatory statement for the Minister's amendment at page 57, line 44.

Clause 78

BARONESS LISTER OF BURTERSETT

Page 60, line 16, after “sections” insert “(Benefit cap: domestic abuse), and”

Member's explanatory statement

This amendment is consequential to the new Clause in the name of Baroness Lister of Burtersett “Benefit cap: domestic abuse”.

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7 January 2021
