

Domestic Abuse Bill

AMENDMENT
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

After Clause 72

BARONESS BURT OF SOLIHULL

Insert the following new Clause—

“Transfer of joint tenancies and survivors of domestic abuse

- (1) This section applies where there are two or more joint tenants under a secure or assured tenancy and the landlord is a local housing authority or a private registered provider of social housing.
- (2) If one joint tenant (“A”) has experienced domestic abuse from another joint tenant (“B”) then A may apply to the county court for an order that B is removed as a joint tenant.
- (3) For the purposes of subsection (2) it is sufficient that the domestic abuse was directed at A or to anyone who might reasonably be expected to reside with A.
- (4) On such an application, the court must take the following approach—
 - (a) the court must be satisfied that the tenancy is affordable for A, or will be so within a reasonable period of time;
 - (b) if the court is so satisfied, then—
 - (i) if B has been convicted of an offence related to domestic abuse against A or anyone who might reasonably be expected to reside with A, the court must make an order under this section;
 - (ii) if B has been given a domestic abuse protection notice under section 20, or a domestic abuse protection order has been made against B under section 26, or B is currently subject to an injunction or restraining order in relation to A, or a person who might be reasonably expected to reside with A, the court may make an order under this section;
 - (iii) if the application does not fall within sub-paragraph (i) or (ii), then the court may make such an order if it thinks it fit to do so;
 - (c) for the purposes of subsection 4(b)(ii), the court must adopt the following approach—
 - (i) if B does not oppose the making of such an order, then the court must make it;

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- (ii) if B does oppose the making of such an order then it is for B to satisfy the court that, as at the date of the hearing, there are exceptional circumstances which mean that the only way to do justice between A and B is for the order to be refused.
- (5) Where A has made such an application to the court, any notice to quit served by B shall be of no effect until determination of A's application or any subsequent appeal.
- (6) Notwithstanding any rule of common law to the contrary, the effect of an order under this section is that the tenancy continues for all purposes as if B had never been a joint tenant.
- (7) For the purposes of this section, an offence related to domestic abuse includes, as against A or anyone who might be reasonably expected to reside with A, an offence of violence, threats of violence, criminal damage to property, rape, other offences of sexual violence or harassment, coercive control, breach of injunction, breach of restraining order, or breach of domestic abuse protection order.
- (8) In section 88(2) of the Housing Act 1985, after "section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.)" insert ", or section (*Transfer of joint tenancies and survivors of domestic abuse*) of the Domestic Abuse Act 2021,".
- (9) In section 91(3)(b) of the Housing Act 1985, after sub-paragraph (iv), insert –
 - “(v) section (*Transfer of joint tenancies and survivors of domestic abuse*) of the Domestic Abuse Act 2021;”.
- (10) In section 99B(2)(e) of the Housing Act 1985 (persons qualifying for compensation for improvements), after sub-paragraph (iv) insert –
 - “(v) section (*Transfer of joint tenancies and survivors of domestic abuse*) of the Domestic Abuse Act 2021;”.

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13 January 2021
