

# Domestic Abuse Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**Clause 1**

BARONESS HAMWEE

Page 1, line 7, leave out paragraph (a) and insert—

“(a) B is aged 16 or over and is personally connected to A”

***Member’s explanatory statement***

*This amendment would expand the definition in the bill to include a relationship where one person was under 16 and the other was over 16.*

BARONESS ALTMANN  
BARONESS DEECH  
LORD MENDELSON  
LORD PALMER OF CHILDS HILL

Page 2, line 1, at end insert—

“(f) unreasonable prevention or threat of prevention of dissolution of a religious Jewish marriage via a religious bill of divorce (a “get”).”

***Member’s explanatory statement***

*This specifically itemises one spouse unreasonably preventing the dissolution of a Jewish religious marriage with a ‘get’ as being within the scope of the Bill by bringing it under the definition of abusive behaviour.*

Page 2, line 10, at end insert—

“( ) Prevention of dissolution of a religious Jewish marriage occurs when one spouse impedes a get being obtained by acting in a manner, to prevent the other spouse obtaining it, which is controlling, coercing or threatening, or abusing the partner by rendering the other spouse unable to remarry or have children in accordance with religious Jewish law.”

***Member’s explanatory statement***

*This ensures a spouse who unreasonably prevents the dissolution of a Jewish religious marriage with a ‘get’ is included within the scope of the Bill under the definition of abusive behaviour.*

**Clause 2**

BARONESS HAMWEE

*As an amendment to the amendment in the name of Lord Rosser to Clause 2, page 2, line 37, published in HL Bill 124(a)*

Leave out “independently” and insert “in B’s own home”

***Member’s explanatory statement***

*This amendment seeks to widen the definition of carers covered by Lord Rosser's amendment.*

**Clause 3**BARONESS BUTLER-SLOSS  
LORD RANDALL OF UXBRIDGE

*This amendment replaces an amendment in the name of Baroness Butler-Sloss, published in HL Bill 124(d)*

Page 3, line 7, at end insert “, or

- (c) the person lives in the same household as the child or regularly visits the household.”

***Member’s explanatory statement***

*This amendment includes persons who live in the same household as the child but are not related to nor have parental responsibility for the child; or do not actually live in the same household but are regular visitors. A mother may have several and transitory relationships with men who may live with her or visit her and have no connection with her children.*

BARONESS STROUD

Page 3, line 9, at end insert “, including babies from conception onwards”

**Clause 4**BARONESS HAMWEE  
BARONESS BURT OF SOLIHULL

Page 3, line 18, leave out “appoint” and insert “make a full-time appointment of”

***Member’s explanatory statement***

*This amendment would ensure the Domestic Abuse Commissioner is appointed full-time.*

Page 3, line 18, after second “the” insert “Independent”

***Member’s explanatory statement***

*This amendment would include "Independent" in the title of the Domestic Abuse Commissioner.*

**Clause 6**BARONESS HAMWEE  
BARONESS BURT OF SOLIHULL

Page 3, line 37, leave out paragraph (a)

***Member's explanatory statement***

*This amendment, and the other amendment to Clause 6 in the name of Baroness Hamwee, would mean that the Commissioner would be in charge of appointing staff, rather than the Secretary of State.*

Page 4, line 3, leave out subsection (2) and insert –

“(2) The Commissioner may appoint staff.”

***Member's explanatory statement***

*This amendment, and the other amendment to Clause 6 in the name of Baroness Hamwee, would mean that the Commissioner would be in charge of appointing staff, rather than the Secretary of State.*

**Clause 7**

BARONESS STROUD

Page 4, line 18, at end insert “, including babies in utero, infants and young children aged under two years old”

BARONESS HAMWEE  
BARONESS BURT OF SOLIHULL

Page 4, line 24, at end insert –

“( ) assessing, monitoring, and publishing information about, the behaviours of people who carry out domestic abuse and matters which may contribute to such behaviours;”

***Member's explanatory statement***

*This amendment would add provisions around the monitoring and assessing of perpetrator behaviours to the list of things the Commissioner may do in pursuance of the general duty.*

Page 4, line 25, leave out paragraph (b)

***Member's explanatory statement***

*This amendment is consequential on the amendment to page 4, line 33 in the name of Baroness Hamwee.*

Page 4, line 33, after first “with,” insert “making recommendations to”

***Member's explanatory statement***

*This amendment would ensure that the Commissioner can make recommendations to voluntary organisations and other persons, as well as to public authorities.*

**Clause 8**

BARONESS BURT OF SOLIHULL  
BARONESS HAMWEE

Page 5, line 16, after “to” insert “Parliament and to”

***Member's explanatory statement***

*This amendment would mean that the Commissioner would report to both the Secretary of State and Parliament.*

Page 5, line 21, after “may” insert “within 28 days after receiving a draft”

***Member's explanatory statement***

*This amendment would require the Secretary of State to make directions to omit material from the Commissioner's reports within 28 days of receiving a draft.*

**Clause 9**

BARONESS HAMWEE  
BARONESS BURT OF SOLIHULL

Page 5, line 40, leave out “subsection (2)” and insert “subsection (1) or (2)”

***Member's explanatory statement***

*This amendment would require advice given by the Commissioner to the Secretary of State to be published.*

BARONESS BURT OF SOLIHULL  
BARONESS HAMWEE

Page 6, line 1, after “may” insert “within 28 days after receiving a draft”

***Member's explanatory statement***

*This amendment would require the Secretary of State to make directions to omit material from the Commissioner's advice within 28 days of receiving a draft.*

**Clause 12**

BARONESS HAMWEE  
BARONESS BURT OF SOLIHULL

Page 7, line 13, leave out “and not more than ten”

***Member's explanatory statement***

*This amendment would remove the upper limit for members of the Commissioner's advisory board.*

Page 7, line 18, leave out “represent” and insert “have expertise and experience with regard to”

***Member's explanatory statement***

*This amendment would ensure that the person who is the member of the board on behalf of victims of domestic abuse has experience and expertise, rather than being seen as a representative.*

LORD PADDICK  
BARONESS FEATHERSTONE

Page 7, line 19, after first “of” insert “all”

**Member's explanatory statement**

*This amendment seeks to ensure that at least one person on the advisory board has experience with regard to the interests of male victims and those in same sex relationships.*

BARONESS HAMWEE  
BARONESS BURT OF SOLIHULL

Page 7, line 31, at end insert “and with experience of or expertise in both”

**Member's explanatory statement**

*This would ensure that the member of the advisory board representing policing or criminal justice has expertise in or experience of both.*

Page 7, line 33, at end insert—

“( ) at least one person appearing to the Commissioner to have expertise and experience in children’s health and wellbeing.”

**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 and experience in children’s health and wellbeing.*

**Clause 13**

BARONESS BURT OF SOLIHULL  
BARONESS HAMWEE

Page 8, line 25, at end insert “who must respond to the consultation within 28 days”

**Member's explanatory statement**

*This amendment would require the Secretary of State to respond to consultation under Clause 13 within 28 days.*

**Clause 14**

BARONESS BURT OF SOLIHULL  
BARONESS HAMWEE

Page 8, line 32, after “to” insert “Parliament and to”

**Member's explanatory statement**

*This amendment would mean that the Commissioner would report to both the Secretary of State and Parliament.*

Page 8, line 41, leave out subsection (3)

**Member's explanatory statement**

*This amendment is consequential on the amendment in the name of Baroness Burt of Solihull to page 8, line 32.*

Page 9, line 1, after “may” insert “within 28 days of receipt”

***Member's explanatory statement***

*This amendment would require the Secretary of State to make directions to omit material from the Commissioner's reports under this section within 28 days of receiving them.*

**Clause 15**

LORD DHOLAKIA  
LORD PADDICK

Page 9, line 17, at end insert "including by the provision of information"

***Member's explanatory statement***

*This amendment would allow the Commissioner to request information from public authorities. This could for example include requesting information from the police about instances of domestic abuse.*

BARONESS BURT OF SOLIHULL  
BARONESS BERTIN  
BARONESS WILCOX OF NEWPORT  
LORD RUSSELL OF LIVERPOOL

Page 9, line 42, at end insert –

- “(r) the Independent Office for Police Conduct;
- (s) HM Prison Service;
- (t) the National Probation Service;
- (u) the Prisons and Probation Ombudsman;
- (v) the Chief Coroner.”

***Member's explanatory statement***

*This amendment would extend the list of public authorities which have a duty to co-operate with the Domestic Abuse Commissioner to include the Independent Office for Police Conduct, HM Prison Service, the National Probation Service, the Prisons and Probation Ombudsman and the Chief Coroner.*

**After Clause 16**

BARONESS BURT OF SOLIHULL  
BARONESS BERTIN  
BARONESS WILCOX OF NEWPORT  
LORD RUSSELL OF LIVERPOOL

Insert the following new Clause –

**“Duty to notify the Secretary of State and the Domestic Abuse Commissioner of all reviews and investigations of deaths where domestic abuse is a factor**

- (1) Where a specified public authority conducts a review or investigation into a death in relation to which domestic abuse has been identified as a contributory factor, it must provide the Secretary of State and the Domestic Abuse Commissioner with a copy of the findings of that review or investigation within 28 days of its completion.
- (2) In this section “findings” means any document which sets out the conclusions of the relevant specified public authority, including, but not limited to –
  - (a) Independent Office of Police Conduct reports;

**After Clause 16 - continued**

- (b) misconduct hearing outcomes by a specified public authority where there is a finding of misconduct or gross misconduct in relation to a death to which this section relates;
  - (c) Domestic Homicide Reviews;
  - (d) Safeguarding Adults Reviews;
  - (e) Serious Case Reviews; and
  - (f) NHS Serious Incident investigations.
- (3) A Coroner for a coronial jurisdiction in England and Wales who conducts an inquest into a death in relation to which domestic abuse has been identified as a contributory factor must provide the Secretary of State and the Domestic Abuse Commissioner with a copy of the Record of Inquest and any Report issued by a Coroner under paragraph 7 of Schedule 5 to the Coroners and Justice Act 2009 within 28 days of the conclusion of the inquest.
- (4) In this section “specified public authority” means any of the public authorities in section 15(3).
- (5) The Secretary of State may by regulations amend this section to—
- (a) add a public authority as a specified public authority for the purposes of this section;
  - (b) remove a public authority added by virtue of paragraph (a);
  - (c) vary any description of a public authority.
- (5) The Secretary of State must issue guidance relating to circumstances in which domestic abuse has been identified to be a contributory factor.
- (6) A specified public authority must have regard to any guidance issued under this section when exercising a function to which the guidance relates.
- (7) The Secretary of State may from time to time revise any guidance issued under this section.
- (8) Before issuing or revising 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.”

***Member’s explanatory statement***

*This amendment would place a duty on public authorities who carry out reviews and investigations into deaths where domestic abuse has been identified as a contributory factor to notify the Home Office and the Domestic Abuse Commissioner upon completion and to provide them with a copy of their findings.*

**Clause 17**

BARONESS HAMWEE  
LORD PADDICK

Page 11, line 29, at end insert—

“(aa) the disclosure of any immigration information (see subsection (5A));”

***Member's explanatory statement***

*This amendment, along with the other amendment in the name of Baroness Hamwee to Clause 17, would ensure that the bill did not authorise the disclosure of any immigration information.*

Page 11, line 43, at end insert –

“(5A) “Immigration information” means information (however recorded) which –

- (a) relates to anything which is or may be subject to paragraph 4 of Schedule 2 to the Data Protection Act 2018, and
- (b) identifies an individual or enables an individual to be identified (either by itself or in combination with other information).”

***Member's explanatory statement***

*This amendment, along with the other amendment in the name of Baroness Hamwee to Clause 17, would ensure that the bill did not authorise the disclosure of any immigration information.*

**Clause 21**

LORD KENNEDY OF SOUTHWARK

Page 13, line 22, after “lives” insert “or works”

***Member's explanatory statement***

*This amendment would ensure that those making Domestic Abuse Protection Orders have the discretion to consider the workplace as well as the home.*

Page 13, line 24, after “lives” insert “or works”

***Member's explanatory statement***

*This amendment would ensure that those making Domestic Abuse Protection Orders have the discretion to consider the workplace as well as the home.*

Page 13, line 25, after “lives” insert “or works”

***Member's explanatory statement***

*This amendment would ensure that those making Domestic Abuse Protection Orders have the discretion to consider the workplace as well as the home.*

**Clause 33**

LORD KENNEDY OF SOUTHWARK

Page 20, line 39, after “lives” insert “or works”

***Member's explanatory statement***

*This amendment would ensure that those making Domestic Abuse Protection Orders have the discretion to consider the workplace as well as the home.*

Page 20, line 41, after “lives” insert “or works”



***Member's explanatory statement***

*This amendment would ensure that those making Domestic Abuse Protection Orders have the discretion to consider the workplace as well as the home.*

Page 20, line 42, after “lives” insert “or works”

***Member's explanatory statement***

*This amendment would ensure that those making Domestic Abuse Protection Orders have the discretion to consider the workplace as well as the home.*

**Clause 34**

LORD KENNEDY OF SOUTHWARK

Page 21, line 13, after “establishment” insert “except in the case where the person against whom the order is made works in the same premises as the person for whose protection the order is made”

***Member's explanatory statement***

*This amendment would ensure that those making Domestic Abuse Protection Orders have the discretion to consider the workplace as well as the home.*

**Clause 63**

LORD PONSONBY OF SHULBREDE

*This amendment replaces an amendment in the name of Lord Ponsonby of Shulbrede, published in HL Bill 124(i)*

Page 44, line 29, at end insert –

**“31VA Direction to prohibit direct or indirect engagement: evidence of domestic abuse**

- (1) In family proceedings, where specified evidence is adduced that a person who is a party to the proceedings has been the victim of domestic abuse carried out by another party, the court may give a direction prohibiting the latter party from directly or indirectly engaging with the victim during proceedings, if the court deems any such engagement is causing significant distress to the victim.
- (2) In this section –
  - “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2021;
  - “specified evidence” means evidence specified, or of a description specified, in regulations made by the Lord Chancellor.
- (3) Regulations under subsection (2) may provide that any evidence which satisfies the court that domestic abuse, or domestic abuse of a specified description, has occurred is specified evidence for the purposes of this section.
- (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 significant distress condition is met in the case of a party, the court must have regard to, among other things –

**Clause 63 - continued**

- (a) any views expressed by the victim;
  - (b) any views expressed by the other party;
  - (c) any behaviour by the party in relation to the victim in respect of which the court is aware that a finding of fact has been made in the proceedings or in any other proceedings;
  - (d) any behaviour by the party at any stage of the proceedings, both generally and in relation to the victim;
  - (e) any behaviour by the victim at any stage of the proceedings, both generally and in relation to the party;
  - (f) any relationship (of whatever nature) between the victim and the party.
- (6) If the court decides that there are no alternative measures to prevent engagement which causes distress, the court must –
- (a) invite the party to the proceedings to arrange for a qualified legal representative to act for the party during the court proceedings, 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.
- (7) Subsection (8) applies if, by the end of the period specified under subsection (6)(b), either –
- (a) the party has notified the court that no qualified legal representative is to act for the party during the court proceedings, 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 during the court proceedings.
- (8) The court must consider whether it is necessary in the interests of justice for the party to be represented by a qualified legal representative appointed by the court to represent the interests of the party.
- (9) If the court decides that it is, the court must appoint a qualified legal representative (chosen by the court) to represent the party.
- (10) If the court appoints a qualified legal representative to represent one party, and the other party to proceedings is not represented, the court must consider whether it is necessary in the interests of justice for the other party also to be represented by a qualified legal representative to ensure a fair process.
- (11) If the court decides that it is necessary to appoint representation under subsection (10), the court must choose and appoint a qualified legal representative to represent the other party.”

***Member’s explanatory statement***

*These changes would give courts the discretion to prevent a perpetrator directly or indirectly engaging with a victim during family court proceedings, where such engagement is causing distress, and to appoint a legal representative to represent the perpetrator in court, if that is necessary to prevent distress to the victim.*

**After Clause 64**

LORD PONSONBY OF SHULBREDE

Insert the following new Clause –

**“Child contact costs in domestic abuse cases**

In section 11 of the Children Act 1989 (general principles and supplementary provisions) after subsection (7) insert –

“(8) A section 8 order may not contain a direction for a complainant of domestic abuse or victim of domestic abuse to pay the costs of contact between a child and a person who has been convicted for, charged for or is awaiting trial for a domestic abuse offence.””

***Member’s explanatory statement***

*This is to probe the issue of a victim of domestic abuse being required to pay for contact arrangements between a child and a perpetrator of domestic abuse.*

**Clause 71**

LORD RANDALL OF UXBRIDGE

Page 55, line 33, at end insert –

“( ) In section 199 (local connection), after subsection (1) insert –

“(1A) A person who is, or is likely to become, a victim of domestic abuse is deemed to have a local connection to any authority for the purposes of an application to that authority under section 183.””

**After Clause 72**

BARONESS ALTMANN

BARONESS DEECH

LORD MENDELSON

LORD PALMER OF CHILDS HILL

Insert the following new Clause –

**“Controlling or coercive behaviour: parties to a Jewish religious marriage**

In section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship), after subsection (5) insert –

“(5A) For the purposes of subsection (2)(a), if A and B remain parties to a Jewish religious marriage (notwithstanding the dissolution of any civil marriage) they are regarded as being connected in an intimate personal relationship.””

***Member’s explanatory statement***

*This proposal ensures that partners in a Jewish religious marriage which has not been dissolved can be considered under the definition of an “intimate personal relationship” within the Serious Crime Act 2015, whether or not they continue to be married under civil law or live together.*

Insert the following new Clause—

**“Controlling or coercive behaviour unreasonably preventing dissolution of a religious Jewish marriage**

Any guidance issued by the Secretary of State with the intention of defining “controlling or coercive” behaviour for the purposes of section 1 of this Act, or section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship), must recognise as “controlling or coercive” any behaviour whereby a person unreasonably prevents the dissolution of a Jewish religious marriage to which they are a party and where the other party to the Jewish religious marriage wishes to bring about that dissolution.”

Insert the following new Clause—

**“Unreasonably preventing dissolution of a religious Jewish marriage**

- (1) If a person (“A”) unreasonably prevents a religious Jewish marriage being dissolved, this must be regarded as a significant factor to be taken into account when any determination is being made as to whether—
  - (a) the behaviour of A towards the person to whom A is married under Jewish law (“B”) is domestic abuse;
  - (b) an offence has been committed by A under section 76 (controlling or coercive behaviour in an intimate or family relationship) or section 76A (offences under section 76 committed outside the United Kingdom) of the Serious Crime Act 2015;
  - (c) a court should make a domestic abuse protection order under section 26 or 29 of this Act; or
  - (d) domestic abuse support should be provided under section 55 of this Act.
- (2) “Unreasonably preventing a religious Jewish marriage being dissolved” may include behaviour whereby A unreasonably imposes conditions, including as a condition that the get be provided on terms that are substantially less favourable than those ordered by a court.”

***Member’s explanatory statement***

*This new Clause ensures the specific issue of prevention of dissolution of Jewish religious marriage with a ‘get’ falls under the Bill and is considered “domestic abuse” and is subject to domestic abuse protections and support, and threatening to impede the dissolution of the marriage to improve civil divorce terms is classified as “unreasonable”. It also provides protection through the courts by being able to obtain a Domestic Abuse Protection Order in such cases.*

LORD KENNEDY OF SOUTHWARK

Insert the following new Clause—

**“Repeal of provisions about defence for controlling or coercive behaviour offence**

In section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship), leave out subsections (8) to (10).”

***Member’s explanatory statement***

*This new Clause seeks to repeal the ‘carers’ defence’ for the offence of controlling or coercive behaviour in intimate or family relationships.*

## BARONESS STROUD

Insert the following new Clause –

**“Babies affected by domestic abuse**

The Secretary of State must make provision for publicly-funded trauma-informed and attachment-focussed therapeutic work to be made available to all parents of children aged under two years old where those children are victims of or otherwise affected by domestic abuse.”

**Clause 73**

## BARONESS STROUD

Page 58, line 5, at end insert “and in particular on babies who were in utero at the time of the abuse, and on babies and young children aged under two years old”

## LORD KENNEDY OF SOUTHWARK

Page 58, line 5, at end insert –

“(c) the support employers should provide to victims of domestic abuse, including through the provision of paid leave.”

***Member’s explanatory statement***

*This amendment would ensure that employers are provided with guidance about the support they should provide to victims of domestic abuse, including provision of paid leave.*

## LORD PADDICK

## BARONESS FEATHERSTONE

Page 58, line 8, at end insert “, that one third are male, and that some are in same sex relationships”

***Member’s explanatory statement***

*This amendment seeks to ensure that guidance meets the needs of male victims and those in same sex relationships.*

**Clause 76**

## BARONESS HAMWEE

## BARONESS BURT OF SOLIHULL

Page 59, line 38, after “under” insert “section 15(4)(b) or”

***Member’s explanatory statement***

*This amendment would require regulations removing a specified authority under section 15 to be done using the affirmative resolution procedure.*

**Clause 79**

## LORD MARKS OF HENLEY-ON-THAMES

Page 61, line 14, at end insert –

“( ) Regulations under this section bringing section 69 permanently into force may not be made unless –

**Clause 79 - continued**

- (a) the Secretary of State has laid before Parliament a report evaluating—
  - (i) the application and effect of the polygraph condition under the Offender Management Act 2007, and
  - (ii) the results of any pilot of the application of the polygraph condition under section 69, as provided for by subsections (7) and (8), and
- (b) both Houses of Parliament have debated the report and agreed a resolution that the Secretary of State may make regulations in accordance with this section.”

***Member’s explanatory statement***

*This amendment would require that the polygraph condition be piloted and the results of such pilot considered by Parliament before Clause 69 could be implemented on a permanent basis.*

# Domestic Abuse Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*19 January 2021*

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