

Domestic Abuse Bill

FIFTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

The amendments have been marshalled in accordance with the Instruction of 20th January 2021, as follows –

Clauses 1 to 38	Schedule 2
Schedule 1	Clauses 69 to 80
Clauses 39 to 68	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

After Clause 68

LORD MARKS OF HENLEY-ON-THAMES
BARONESS JOLLY
LORD GARNIER
BARONESS MALLALIEU

141

Insert the following new Clause –

“Controlling or coercive behaviour by persons providing psychotherapy or counselling services

- (1) A person (“A”) commits an offence if –
 - (a) A is a person providing or purporting to provide psychotherapy or counselling services to another person (“B”),
 - (b) A repeatedly or continuously engages in behaviour towards B that is controlling or coercive,
 - (c) the behaviour has a serious effect on B, and
 - (d) A knows or ought to know that the behaviour will or may have a serious effect on B.
- (2) A’s behaviour has a “serious effect” on B if –
 - (a) it causes B to fear, on at least two occasions, that violence will be used against B, or
 - (b) it causes B psychological harm which has a substantial adverse effect on B’s usual day-to-day activities.

After Clause 68 - continued

- (3) For the purposes of subsection (1)(d) A “ought to know” that which a reasonable person in possession of the same information would know.
- (4) In proceedings for an offence under this section it is a defence for A to show that—
- (a) in engaging in the behaviour in question, A believed that he or she was acting in B’s best interests, and
 - (b) the behaviour was in all the circumstances reasonable.
- (5) A is to be taken to have shown the facts mentioned in subsection (4) if—
- (a) sufficient evidence of the facts is adduced to raise an issue with respect to them, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (6) The defence in subsection (4) is not available to A in relation to behaviour that causes B to fear that violence will be used against B.
- (7) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine, or both.”

Schedule 2

BARONESS BERTIN

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

143 Page 65, leave out lines 12 and 13

144 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.””

After Schedule 2

BARONESS KENNEDY OF THE SHAWES
BARONESS HAMWEE

145 Insert the following new Schedule—

“OFFENCES TO WHICH THE DEFENCE FOR VICTIMS OF DOMESTIC ABUSE WHO COMMIT AN
OFFENCE DOES NOT APPLY

Common law offences

- 1 False imprisonment.
- 2 Kidnapping.
- 3 Manslaughter.
- 4 Murder.

After Schedule 2 - continued

5 Perverting the course of justice.

6 Piracy.

Offences against the Person Act 1861

7 An offence under any of the following provisions of the Offences Against the Person Act 1861 –

- (a) section 4 (soliciting murder);
- (b) section 16 (threats to kill);
- (c) section 18 (wounding with intent to cause grievous bodily harm);
- (d) section 20 (malicious wounding);
- (e) section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence);
- (f) section 22 (using drugs etc to commit or assist in the committing of an indictable offence);
- (g) section 23 (maliciously administering poison etc so as to endanger life or inflict grievous bodily harm);
- (h) section 27 (abandoning children);
- (i) section 28 (causing bodily injury by explosives);
- (j) section 29 (using explosives with intent to do grievous bodily harm);
- (k) section 30 (placing explosives with intent to do bodily injury);
- (l) section 31 (setting spring guns etc with intent to do grievous bodily harm);
- (m) section 32 (endangering safety of railway passengers);
- (n) section 35 (injuring persons by furious driving);
- (o) section 37 (assaulting officer preserving wreck);
- (p) section 38 (assault with intent to resist arrest).

Explosive Substances Act 1883

8 An offence under any of the following provisions of the Explosive Substances Act 1883 –

- (a) section 2 (causing explosion likely to endanger life or property);
- (b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property);
- (c) section 4 (making or possession of explosives under suspicious circumstances).

Infant Life (Preservation) Act 1929

9 An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).

Children and Young Persons Act 1933

10 An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to children).

Public Order Act 1936

11 An offence under section 2 of the Public Order Act 1936 (control etc of quasi-military organisation).

After Schedule 2 - continued*Infanticide Act 1938*

- 12 An offence under section 1 of the Infanticide Act 1938 (infanticide).

Firearms Act 1968

- 13 An offence under any of the following provisions of the Firearms Act 1968 –
- (a) section 5 (possession of prohibited firearms);
 - (b) section 16 (possession of firearm with intent to endanger life);
 - (c) section 16A (possession of firearm with intent to cause fear of violence);
 - (d) section 17(1) (use of firearm to resist arrest);
 - (e) section 17(2) (possession of firearm at time of committing or being arrested for specified offence);
 - (f) section 18 (carrying firearm with criminal intent).

Theft Act 1968

- 14 An offence under any of the following provisions of the Theft Act 1968 –
- (a) section 8 (robbery or assault with intent to rob);
 - (b) section 9 (burglary), where the offence is committed with intent to inflict grievous bodily harm on a person, or to do unlawful damage to a building or anything in it;
 - (c) section 10 (aggravated burglary);
 - (d) section 12A (aggravated vehicle-taking), where the offence involves an accident which causes the death of any person;
 - (e) section 21 (blackmail).

Criminal Damage Act 1971

- 15 The following offences under the Criminal Damage Act 1971 –
- (a) an offence of arson under section 1;
 - (b) an offence under section 1(2) (destroying or damaging property) other than an offence of arson.

Immigration Act 1971

- 16 An offence under section 25 of the Immigration Act 1971 (assisting unlawful immigration to member state).

Customs and Excise Management Act 1979

- 17 An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles).

Taking of Hostages Act 1982

- 18 An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).

Aviation Security Act 1982

- 19 An offence under any of the following provisions of the Aviation Security Act 1982 –
- (a) section 1 (hijacking);

After Schedule 2 - continued

- (b) section 2 (destroying, damaging or endangering safety of aircraft);
- (c) section 3 (other acts endangering or likely to endanger safety of aircraft);
- (d) section 4 (offences in relation to certain dangerous articles).

Mental Health Act 1983

- 20 An offence under section 127 of the Mental Health Act 1983 (ill-treatment of patients).

Child Abduction Act 1984

- 21 An offence under any of the following provisions of the Child Abduction Act 1984 –
- (a) section 1 (abduction of child by parent etc);
 - (b) section 2 (abduction of child by other persons).

Public Order Act 1986

- 22 An offence under any of the following provisions of the Public Order Act 1986 –
- (a) section 1 (riot);
 - (b) section 2 (violent disorder).

Criminal Justice Act 1988

- 23 An offence under section 134 of the Criminal Justice Act 1988 (torture).

Road Traffic Act 1988

- 24 An offence under any of the following provisions of the Road Traffic Act 1988 –
- (a) section 1 (causing death by dangerous driving);
 - (b) section 3A (causing death by careless driving when under the influence of drink or drugs).

Aviation and Maritime Security Act 1990

- 25 An offence under any of the following provisions of the Aviation and Maritime Security Act 1990 –
- (a) section 1 (endangering safety at aerodromes);
 - (b) section 9 (hijacking of ships);
 - (c) section 10 (seizing or exercising control of fixed platforms);
 - (d) section 11 (destroying fixed platforms or endangering their safety);
 - (e) section 12 (other acts endangering or likely to endanger safe navigation);
 - (f) section 13 (offences involving threats).

Channel Tunnel (Security) Order 1994 (S.I. 1994/570)

- 26 An offence under Part 2 of the Channel Tunnel (Security) Order 1994 (SI 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).

Protection from Harassment Act 1997

- 27 An offence under any of the following provisions of the Protection from Harassment Act 1997 –

After Schedule 2 - continued

- (a) section 4 (putting people in fear of violence);
- (b) section 4A (stalking involving fear of violence or serious alarm or distress).

Crime and Disorder Act 1998

- 28 An offence under any of the following provisions of the Crime and Disorder Act 1998 –
- (a) section 29 (racially or religiously aggravated assaults);
 - (b) section 31(1)(a) or (b) (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986).

Terrorism Act 2000

- 29 An offence under any of the following provisions of the Terrorism Act 2000 –
- (a) section 54 (weapons training);
 - (b) section 56 (directing terrorist organisation);
 - (c) section 57 (possession of article for terrorist purposes);
 - (d) section 59 (inciting terrorism overseas).

International Criminal Court Act 2001

- 30 An offence under any of the following provisions of the International Criminal Court Act 2001 –
- (a) section 51 (genocide, crimes against humanity and war crimes);
 - (b) section 52 (ancillary conduct).

Anti-terrorism, Crime and Security Act 2001

- 31 An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001 –
- (a) section 47 (use of nuclear weapons);
 - (b) section 50 (assisting or inducing certain weapons-related acts overseas);
 - (c) section 113 (use of noxious substance or thing to cause harm or intimidate).

Female Genital Mutilation Act 2003

- 32 An offence under any of the following provisions of the Female Genital Mutilation Act 2003 –
- (a) section 1 (female genital mutilation);
 - (b) section 2 (assisting a girl to mutilate her own genitalia);
 - (c) section 3 (assisting a non-UK person to mutilate overseas a girl's genitalia).

Sexual Offences Act 2003

- 33 An offence under any of the following provisions of the Sexual Offences Act 2003 –
- (a) section 1 (rape);
 - (b) section 2 (assault by penetration);
 - (c) section 3 (sexual assault);
 - (d) section 4 (causing person to engage in sexual activity without consent);
 - (e) section 5 (rape of child under 13);

After Schedule 2 - continued

- (f) section 6 (assault of child under 13 by penetration);
- (g) section 7 (sexual assault of child under 13);
- (h) section 8 (causing or inciting child under 13 to engage in sexual activity);
- (i) section 9 (sexual activity with a child);
- (j) section 10 (causing or inciting a child to engage in sexual activity);
- (k) section 13 (child sex offences committed by children or young persons);
- (l) section 14 (arranging or facilitating commission of child sex offence);
- (m) section 15 (meeting a child following sexual grooming);
- (n) section 16 (abuse of position of trust: sexual activity with a child);
- (o) section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity);
- (p) section 18 (abuse of position of trust: sexual activity in presence of child);
- (q) section 19 (abuse of position of trust: causing a child to watch a sexual act);
- (r) section 25 (sexual activity with a child family member);
- (s) section 26 (inciting a child family member to engage in sexual activity);
- (t) section 30 (sexual activity with a person with a mental disorder impeding choice);
- (u) section 31 (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity);
- (v) section 32 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice);
- (w) section 33 (causing a person with a mental disorder impeding choice to watch a sexual act);
- (x) section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder);
- (y) section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception);
- (z) section 36 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder);
- (aa) section 37 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception);
- (ab) section 38 (care workers: sexual activity with a person with a mental disorder);
- (ac) section 39 (care workers: causing or inciting sexual activity);
- (ad) section 40 (care workers: sexual activity in the presence of a person with a mental disorder);
- (ae) section 41 (care workers: causing a person with a mental disorder to watch a sexual act);
- (af) section 47 (paying for sexual services of a child);
- (ag) section 48 (causing or inciting child prostitution or pornography);

After Schedule 2 - continued

- (ah) section 49 (controlling a child prostitute or a child involved in pornography);
- (ai) section 50 (arranging or facilitating child prostitution or pornography);
- (aj) section 61 (administering a substance with intent);
- (ak) section 62 (committing offence with intent to commit sexual offence);
- (al) section 63 (trespass with intent to commit sexual offence);
- (am) section 64 (sex with an adult relative: penetration);
- (an) section 65 (sex with an adult relative: consenting to penetration);
- (ao) section 66 (exposure);
- (ap) section 67 (voyeurism);
- (aq) section 70 (sexual penetration of a corpse).

Domestic Violence, Crime and Victims Act 2004

- 34 An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing a child or vulnerable adult to die or suffer serious physical harm).

Terrorism Act 2006

- 35 An offence under any of the following provisions of the Terrorism Act 2006—
- (a) section 5 (preparation of terrorist acts);
 - (b) section 6 (training for terrorism);
 - (c) section 9 (making or possession of radioactive device or material);
 - (d) section 10 (use of radioactive device or material for terrorist purposes);
 - (e) section 11 (terrorist threats relating to radioactive devices etc).

Modern Slavery Act 2015

- 36 An offence under any of the following provisions of the Modern Slavery Act 2015—
- (a) section 1 (slavery, servitude and forced or compulsory labour);
 - (b) section 2 (human trafficking).

Ancillary offences

- 37 (1) An offence of attempting or conspiring to commit an offence listed in this Schedule.
- (2) An offence committed by aiding, abetting, counselling or procuring an offence listed in this Schedule.
- (3) An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence listed in this Schedule.”

Clause 69

LORD MARKS OF HENLEY-ON-THAMES
BARONESS HAMWEE

The above named Lords give notice of their intention to oppose the Question that Clause 69 stand part of the Bill.

Clause 70

LORD RUSSELL OF LIVERPOOL
 LORD YOUNG OF COOKHAM
 BARONESS BULL
 BARONESS JONES OF MOULSECOOMB

146 Page 54, line 8, 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 –

“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, or
- (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;

“sex” has the same meaning as in section 11 of the Equality Act 2010 (sex).”

Clause 71

LORD YOUNG OF COOKHAM
 BARONESS FINLAY OF LLANDAFF
 BARONESS HAMWEE
 LORD NASEBY

146A Page 55, line 15, after “abuse” insert “, or

- (ii) resides or might reasonably be expected to reside with a person who falls within sub-paragraph (i) and is not the abuser”

Member’s explanatory statement

This amendment allows the applicant for homelessness assistance to be either the survivor or someone who resides with the survivor or might reasonably be expected to reside with the survivor. However, the applicant cannot be the abuser.

LORD RANDALL OF UXBRIDGE
 LORD KENNEDY OF SOUTHWARK

147 Page 55, line 33, at end insert –

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

Clause 71 - continued

“(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

LORD ROSSER
BARONESS HAMWEE
BARONESS BUTLER-SLOSS
BARONESS BENNETT OF MANOR CASTLE

148

Insert the following new Clause—

“Recourse to public funds for domestic abuse survivors

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

After Clause 72 - continued

- (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;
 - (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.

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

149 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.

After Clause 72 - continued

- (2) Leave out subsection (2) and insert—
 “(2) “personally connected” has the meaning as set out in section 2 of the Domestic Abuse Act 2021.”
- (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
 BARONESS MEACHER
 BARONESS PRIMAROLO
 BARONESS BURT OF SOLIHULL

150 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, paragraph (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 2021;
 “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
BARONESS HAMWEE
LORD ALTON OF LIVERPOOL

151 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—
 - (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;

After Clause 72 - continued

“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
THE LORD BISHOP OF MANCHESTER
LORD BEST
BARONESS PRIMAROLO

152 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 2021;
 - (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) of the 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) of the 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 of the 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 of the 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
 BARONESS BURT OF SOLIHULL
 BARONESS MEACHER
 BARONESS SHERLOCK

153 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.
- (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
 BARONESS WILCOX OF NEWPORT
 THE LORD BISHOP OF LONDON
 BARONESS HAMWEE

154 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.
- (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

155 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—

After Clause 72 - continued

- (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.”

156 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 –
 - (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.”

LORD HUNT OF KINGS HEATH
BARONESS GREENGROSS
BARONESS BURT OF SOLIHULL
BARONESS MANZOOR

157 Insert the following new Clause –

“Controlling or coercive behaviour: England and Wales

- (1) Section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship) is amended as follows.
- (2) In subsection (2), for paragraph (b) substitute –
 - “(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), for “(2)(b)(i)” substitute “(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
BARONESS JONES OF MOULSECOOMB

158 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.
- (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.

BARONESS JONES OF MOULSECOOMB

159 Insert the following new 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 the relevant subsection) include –
 - (a) the survivor’s name,
 - (b) the survivor’s address,

After Clause 72 - continued

- (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 this section—
- “publication” means any material published online or in physical form as 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;
- “relevant offence” means any offence where it is alleged by the survivor that the behaviour of the accused amounted to domestic abuse;
- “survivor” means the person against whom the offence is alleged to have been committed.”

BARONESS HELIC
 BARONESS WILCOX OF NEWPORT
 BARONESS HUSSEIN-ECE
 BARONESS BUTLER-SLOSS

160 Insert the following new Clause—

“Effective protection and support for all victims of domestic abuse

- (1) The Secretary of State must take steps to ensure that all victims of domestic abuse, irrespective of their status, receive—
- (a) equally effective protection against domestic abuse, and
 - (b) equally effective support.
- (2) In this section—

After Clause 72 - continued

“status” includes 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 any combined forms of such status;

“victims of domestic abuse” includes persons who are reasonably believed to be at risk of domestic abuse.”

Member’s explanatory statement

This new Clause ensures all victims of domestic abuse are protected, regardless of their status, in line with Article 4(3) of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

LORD KENNEDY OF SOUTHWARK
BARONESS BULL
BARONESS BURT OF SOLIHULL
THE LORD BISHOP OF LONDON

161 Insert the following new Clause –

“Evidence of domestic abuse for the purposes of legal aid: restriction of fees

- (1) Where a healthcare professional has examined a person in the course of providing services under a general medical services contract, the healthcare professional may not impose a fee upon that person for providing a letter or report for the purposes of regulation 33(2)(h) of the Civil Legal Aid (Procedure) Regulations 2012 (S.I. 2012/3098) (supporting documents: domestic violence).
- (2) In this section, “general medical services contract” has the meaning given by section 84 of the National Health Service Act 2006.”

Member’s explanatory statement

This amendment aims to prevent GPs who have a contract with the NHS from charging victims of domestic abuse for letters confirming their injuries so that they can seek access to legal aid.

BARONESS MORGAN OF COTES
BARONESS CRAWLEY
BARONESS HODGSON OF ABINGER
BARONESS GREY-THOMPSON

162 Insert the following new Clause –

“Threats to disclose private sexual photographs and films with intent to cause distress

- (1) Section 33 of the Criminal Justice and Courts Act 2015 is amended as follows.
- (2) After subsection (1) insert –
 - “(1A) It is an offence for a person to threaten to disclose a private sexual photograph or film if the threat is made –
 - (a) without the consent to the threatened disclosure of an individual who appears, or is stated to appear, in the photograph or film, and
 - (b) with the intention of causing that individual distress.”

After Clause 72 - continued

- (3) In subsection (2), for “subsection (1)(a) and (b)” substitute “subsections (1)(a) and (b) and (1A)(a) and (b)”.
- (4) In subsection (3), after “disclosure” insert “or threat to disclose”.
- (5) In subsection (4)(a), after “disclosure” insert “or threat to disclose”.
- (6) In subsection (5), for “this section” substitute “subsection (1)”.
- (7) In subsection (8) –
 - (a) after “disclosed” insert “or threatened to disclose”;
 - (b) after “disclosure” insert “or threat to disclose”.

Member’s explanatory statement

This Clause will make the threat to disclose private sexual photographs and films with intent to cause distress a criminal offence.

BARONESS BURT OF SOLIHULL
LORD YOUNG OF COOKHAM
BARONESS DEECH
LORD KENNEDY OF SOUTHWARK

163

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 –

After Clause 72 - continued

- (i) if B does not oppose the making of such an order, then the court must make it;
 - (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;”.

BARONESS ROYALL OF BLAISDON
 BARONESS JONES OF MOULSECOOMB
 BARONESS BRINTON
 LORD HUNT OF KINGS HEATH

164

Insert the following new Clause –

“Monitoring of serial and serious harm domestic abuse and stalking perpetrators under multi-agency public protection arrangements

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 325 (arrangements for assessing etc risk posed by certain offenders) –
 - (a) in subsection (1), after ““relevant sexual or violent offender” has the meaning given by section 327” insert –
 - ““relevant domestic abuse or stalking perpetrator” has the meaning given in section 327ZA;”;
 - (b) in subsection (2)(a), after “offenders” insert –
 - “(aa) relevant domestic abuse or stalking perpetrators,”.

After Clause 72 - continued

(3) After section 327 (section 325: interpretation) insert –

“327ZA Section 325: interpretation of relevant domestic abuse or stalking perpetrator

- (1) For the purposes of section 325, a person (“P”) is a “relevant domestic abuse or stalking perpetrator” if P has been convicted of a specified offence and meets either the condition in subsection (2)(a) or the condition in subsection (2)(b).
- (2) For the purposes of subsection (1), the conditions are –
 - (a) P is a relevant serial offender, or
 - (b) a risk of serious harm assessment has identified P as presenting a high or very high risk of serious harm.
- (3) An offence is a “specified offence” for the purposes of this section if it is a specified domestic abuse offence or a specified stalking offence.
- (4) In this section –
 - “relevant serial offender” means a person convicted on more than one occasion for the same specified offence, or a person convicted of more than one specified offence;
 - “specified domestic abuse offence” means an offence where it is alleged that the behaviour of the accused amounted to domestic abuse within the meaning of section 1 of the Domestic Abuse Act 2021;
 - “specified stalking offence” means an offence contrary to section 2A or section 4A of the Protection from Harassment Act 1997.
- (5) Within six months of the commencement of this section, a Minister of the Crown must lay a report before both Houses of Parliament reviewing the interpretation of the term “relevant domestic abuse or stalking perpetrator” for the purposes of section 325.
- (6) A report under subsection (5) must give specific consideration to arrangements for assessing and managing the risks of domestic abuse or stalking posed by perpetrators convicted of offences other than a specified offence.
- (7) Subject to a report under subsection (5) being laid before both Houses of Parliament, a Minister of the Crown may by regulations amend this section.””

Member’s explanatory statement

This new Clause amends the Criminal Justice Act 2003, which provides for the establishment of Multi-Agency Public Protection Arrangements (“MAPPA”), to make arrangements for serial domestic abuse or stalking perpetrators to be registered on VISOR (the Violent and Sex Offender Register) and be subjected to supervision, monitoring and management through MAPPA.

BARONESS GREENGROSS
LORD HUNT OF KINGS HEATH
LORD RANDALL OF UXBRIDGE
BARONESS MEACHER

165 Insert the following new Clause—

“Duty to report suspected abuse

A local authority must ensure that, where any of its employees suspects in the course of carrying out a financial assessment for adult social care that a person is the victim of domestic abuse, the employee reports the suspected abuse to a relevant social worker or the police.”

166 Insert the following new Clause—

“Social workers: powers of entry

- (1) A magistrate’s court may make an order permitting a registered social worker to enter premises specified in the order by force for the purposes of identifying and supporting victims of domestic abuse on an application made to it in accordance with this section.
- (2) A registered social worker may make an application if the social worker—
 - (a) has reason to believe that any of the occupants of the premises are at risk of being victims of domestic abuse, and
 - (b) has been refused entry by any of the occupants of the premises.”

BARONESS BERTIN
BARONESS BURT OF SOLIHULL
LORD KENNEDY OF SOUTHWARK
LORD STRASBURGER

167 Insert the following new Clause—

“Strategic plan for perpetrators of domestic abuse

Within one year of the passing of this Act, the Secretary of State must lay before Parliament a comprehensive prevention and perpetrator strategy for domestic abuse for the purposes of—

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

Member’s explanatory statement

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

BARONESS ALTMANN
BARONESS DEECH
LORD MENDELSON
LORD PALMER OF CHILDS HILL

168 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—

After Clause 72 - continued

“(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.

169 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.”

170 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 PONSONBY OF SHULBREDE
BARONESS GREY-THOMPSON

171 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
BARONESS ARMSTRONG OF HILL TOP
BARONESS WATKINS OF TAVISTOCK
LORD MACKAY OF CLASHFERN

172 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.”

BARONESS GALE

173 Insert the following new Clause—

“Duty of the Secretary of State to take account of matters relating to gender

It is a duty of the Secretary of State in performing functions under this Act to take account of the evidence that domestic abuse affects women disproportionately and is a subset of violence against women and girls.”

Member's explanatory statement

This new Clause establishes the gendered nature of domestic abuse in statute.

BARONESS BURT OF SOLIHULL

174 Insert the following new Clause—

“Code of practice: employer's duty of care

(1) In this section—

After Clause 72 - continued

- (a) “worker” means an individual who has entered into or works under a contract of employment or any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual; and
 - (b) “employer” means the person to whom the worker undertakes to perform the work or services in question.
- (2) The Secretary of State must issue a code of practice (a “code”) containing provision designed to ensure that persons affected by domestic abuse who are workers receive appropriate care and support from their employer in relation to their work.
 - (3) A code may include provision requiring an employer to make reasonable adjustments for the purpose of ensuring that persons affected by domestic abuse are not, by reason of being so affected, placed at a substantial disadvantage in relation to their work in comparison with persons who are not so affected.
 - (4) The Secretary of State may revoke or amend a code.
 - (5) Before issuing, revoking or amending a code the Secretary of State must –
 - (a) issue proposals, and
 - (b) consult the Commissioner and such other persons as the Secretary of State thinks appropriate.
 - (6) Failure to comply with a provision of a code does not of itself make a person liable to civil or criminal proceedings; but a code shall be –
 - (a) admissible in evidence in criminal or civil proceedings, and
 - (b) taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant, including (in particular) any case in which a question arises as to whether an employer is in breach of a duty of care owed to a worker.”

Member’s explanatory statement

This amendment would require the Secretary of State to issue a code of practice containing provision designed to ensure that persons affected by domestic abuse who are workers receive appropriate care and support from their employer.

175

Insert the following new Clause –

“School admissions code: duty of Secretary of State

- (1) The Secretary of State must, within six months after this section comes into force, secure that the school admissions code issued for England under section 84 of the Schools Standards and Framework Act 1998 (“1998 Act”) contains such provision as the Secretary of State considers necessary to achieve the objective set out in subsection (5).
- (2) The Secretary of State must secure that the Commissioner is consulted about any proposed provision under subsection (1).

After Clause 72 - continued

- (3) The Welsh Ministers must, within six months after this section comes into force, secure that the Welsh Government school admissions code issued under section 84 of the 1998 Act contains such provision as the Welsh Ministers consider necessary to achieve the objective set out in subsection (5).
- (4) The Welsh Ministers must secure that the Commissioner is consulted about any proposed provision under subsection (3).
- (5) The objective is that—
 - (a) oversubscription criteria for admission to any school to which the school admissions code applies give the same priority to children falling within subsection (6) as to looked-after children (within the meaning of section 22(1) of the Children Act 1989), and
 - (b) the Code contains appropriate guidance about admission of children who have moved home to avoid domestic abuse or who are otherwise affected by domestic abuse.
- (6) A child falls within this subsection if the child—
 - (a) is in the care of, or provided with accommodation by, a body exercising a function which, if the body were a local authority, would be a social services function of the kind mentioned in section 22(1)(b) of the Children Act 1989, or
 - (b) has moved home as a result of being affected by domestic abuse.”

Member’s explanatory statement

This amendment would extend the duty on local authorities to provide school places for “looked after children” to children who are forced to change schools as a result of domestic abuse.

LORD POLAK
THE LORD BISHOP OF DERBY
LORD ROSSER
LORD RUSSELL OF LIVERPOOL

176

Insert the following new Clause—

“Provision of sufficient specialist domestic abuse services

- (1) Each relevant public authority must in exercising its functions take all reasonable steps to secure the provision within each of its areas of sufficient specialist domestic abuse services to meet the needs of relevant persons within that area.
- (2) Each relevant public authority must co-operate with another relevant public authority insofar as it is necessary for it to do so in order to secure the provision of—
 - (a) sufficient specialist domestic abuse services within each of its areas to meet the needs of relevant persons within that area; and
 - (b) sufficient specialist domestic abuse services within each of that other relevant public authority’s areas to meet the needs of relevant persons within that area.

After Clause 72 - continued

- (3) For the purposes of this section, specialist domestic abuse services are only sufficient to meet the needs of relevant persons within the area of a relevant public authority if they are sufficient to meet the particular needs of any group of such relevant persons who share a particular status that arise by reason of the fact that those persons share that status.
- (4) When performing its duties under this section, a relevant public authority must have regard to—
 - (a) any guidance issued by the Secretary of State under subsection (6), and
 - (b) any strategy published under section 55(1) which relates to any of its areas.
- (5) The duties imposed by this section are without prejudice to the duties imposed by section 55.
- (6) The Secretary of State may issue guidance to relevant public authorities on their duties under this section.
- (7) Guidance issued by the Secretary of State under subsection (6) may, in particular, give guidance on—
 - (a) what constitutes sufficient specialist domestic abuse services, and
 - (b) what constitutes reasonable steps to secure the provision of sufficient specialist domestic abuse services.
- (8) The Secretary of State may make regulations providing for the resolution of any disputes that might arise between relevant public authorities in relation to the performance of their duties under this section.
- (9) The Secretary of State may by regulation amend this section as follows—
 - (a) to add a public authority as a relevant public authority for the purposes of this section,
 - (b) to remove a public authority added by virtue of paragraph (a),
 - (c) to vary any description of a public authority.
- (10) Regulations under subsection (9) may not contain a provision adding a devolved Welsh authority as a relevant public authority for the purposes of this section.
- (11) In this section—
 - “devolved Welsh authority” has the meaning given by section 157A of the Government of Wales Act 2006 (“devolved Welsh authority”);
 - “local authority area” means the area of a district council in England, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
 - “needs” means such needs of a relevant person that arise by reason of the fact that the person is a relevant person;
 - “perpetrator of domestic abuse” means a person who is or has been abusive towards another person;
 - “relevant person” means—
 - (a) a victim or a person who is at risk of domestic abuse,
 - (b) a perpetrator of domestic abuse,

After Clause 72 - continued

- (c) a child aged under 16 who, if he or she were aged 16 or over, would be a victim of domestic abuse,
- (d) a child aged under 16 who, if he or she were aged 16 or over, would be a perpetrator of domestic abuse, regardless of status;

“relevant public authority” means –

- (a) an English local authority within the meaning of section 15(7),
- (b) a local policing body within the meaning of section 101(1) of the Police Act 1996,
- (c) a clinical commissioning group established under section 14D of the National Health Service Act 2006;

“specialist domestic abuse services” means services designed to meet the needs of relevant persons, and may include (but are not limited to) –

- (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 54(2) and including communal accommodation within the meaning of paragraph 3(5) of Schedule 23 to the Equality Act 2010,
- (c) counselling and psychological support,
- (d) advice and advocacy support in relation to welfare benefits, debt, and access to financial support,
- (e) perpetrator programmes,
- (f) legal services,
- (g) helplines,
- (h) services designed to meet the particular needs of victims of sexual violence,
- (i) services designed to meet the particular needs of a group of relevant persons who share a particular status;

“status” means a status within the meaning of Article 4(3) of the Council of Europe Convention on preventing and combating violence against women and domestic violence, and any combination of such statuses.

a reference to the “areas” of a relevant public authority means –

- (a) in the case of a district council in England, a London borough council, the Common Council of the City of London and the Council of the Isles of Scilly, that council’s local authority area;
- (b) in relation to a police and crime commissioner for a police area in England, each local authority area that falls wholly or partly within that police area;
- (c) in relation to the Mayor’s Office for Policing and Crime, each local authority area that falls wholly or partly within the metropolitan police district;
- (d) in relation to a clinical commissioning group established under section 14D of the National Health Service Act 2006, each local authority area that falls wholly or partly within the area specified in that clinical commissioning group’s constitution.”

Member's explanatory statement

This new Clause requires local authorities, police and crime commissioners and clinical commissioning groups to take reasonable steps to ensure sufficient provision of specialist domestic abuse support services in their local areas, in both the community and in refuges. This must include sufficient provision, where need arises, of services for children and young people, survivors with protected characteristics and migrant survivors, as well as perpetrator programmes.

LORD POLAK

LORD ROSSER

LORD RUSSELL OF LIVERPOOL

177

Insert the following new Clause—

“Duty on police and crime commissioners to co-operate in relation to local strategies under the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015

- (1) This section applies where a relevant body requests that a relevant police and crime commissioner co-operate with the relevant body for the purpose of facilitating the discharge by the relevant body of any of its relevant functions.
- (2) The relevant police and crime commissioner must take all reasonable steps to comply with the request.
- (3) In this section—

“relevant body” means:

- (a) a “local authority” within the meaning of section 24(1) of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015; or
- (b) a “Local Health Board” within the meaning of section 24(1) of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015;

“relevant functions” means the functions of a relevant body under sections 5 to 8 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 in so far as those functions relate to “domestic abuse” within the meaning of section 24 of that Act;

“relevant police and crime commissioner” means a police and crime commissioner for a police area listed in Schedule 1 to the Police Act 1996 that is located wholly or partly in Wales.”

Member's explanatory statement

This Clause will require police and crime commissioners in Wales to take reasonable steps to comply with co-operation requests from local authorities or health boards in Wales with respect to preparation and implementation of local strategies prepared under the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (VAWDASV Act). This aims to ensure co-operation in Wales of the key bodies with responsibility for domestic abuse support service provision.

BARONESS BENJAMIN
LORD ALTON OF LIVERPOOL
LORD MCCOLL OF DULWICH
BARONESS HEALY OF PRIMROSE HILL

177A Insert the following new Clause –

“Impact of online pornography on domestic abuse

- (1) Within three months of the day on which this Act is passed, the Secretary of State must commission a person appointed by the Secretary of State to investigate the impact of access to online pornography by children on domestic abuse.
- (2) Within three months of their appointment, the appointed person must publish a report on the investigation which may include recommendations for the Secretary of State.
- (3) As part of the investigation, the appointed person must consider the extent to which the implementation of Part 3 of the Digital Economy Act 2017 (online pornography) would prevent domestic abuse, and may make recommendations to the Secretary of State accordingly.
- (4) Within three months of receiving the report, the Secretary of State must publish a response to the recommendations of the appointed person.
- (5) If the appointed person recommends that Part 3 of the Digital Economy Act 2017 should be commenced, the Secretary of State must appoint a day for the coming into force of that Part under section 118(6) of the Act within the timeframe recommended by the appointed person.”

Member’s explanatory statement

This amendment would require an investigation into any link between online pornography and domestic abuse with a view to implementing recommendations to bring into effect the age verification regime in the Digital Economy Act 2017 as a means of preventing domestic abuse.

LORD HUNT OF KINGS HEATH

177B Insert the following new Clause –

“Domestic Abuse National Perpetrator Strategy

Within two years of the passing of this Act, the Secretary of State must prepare and publish a Domestic Abuse National Perpetrator Strategy for England and Wales.”

Member’s explanatory statement

The amendment probes government intentions to establish a strategy to review perpetrator behaviour and best-practice perpetrator interventions available across England and Wales.

Clause 73

BARONESS WILLIAMS OF TRAFFORD

178 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 STROUD
BARONESS ARMSTRONG OF HILL TOP
LORD MACKAY OF CLASHFERN

- 179 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”

BARONESS MEACHER
BARONESS FEATHERSTONE
BARONESS BUTLER-SLOSS

- 180 Page 58, line 5, at end insert –
 “(c) ensuring the provision of services to every primary school –
 (i) to identify and treat children who are identified as unusually aggressive or manipulative, and
 (ii) to involve parents in the treatment wherever possible;
 (d) ensuring the provision of compulsory relationship and sex education and preparation for marriage classes in the final two years at school of every student.”

BARONESS FINLAY OF LLANDAFF
BARONESS WATKINS OF TAVISTOCK
LORD HUNT OF KINGS HEATH

- 181 Page 58, line 5, at end insert –
 “(c) the relationship between domestic abuse and substance use.”

Member's explanatory statement

This amendment would ensure that guidance issued by the Secretary of State must cover the link between domestic abuse and substance use.

LORD KENNEDY OF SOUTHWARK
LORD HUNT OF KINGS HEATH

- 182 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 FARMER

- 183 Page 58, line 5, at end insert –
 “(c) typologies of domestic abuse and the intentions and objectives underlying different types.”

Member's explanatory statement

This amendment would require the Government to provide information on the evidence-based differences between the motivational drivers of different types of abuse.

BARONESS BURT OF SOLIHULL
BARONESS MASSEY OF DARWEN
BARONESS BENNETT OF MANOR CASTLE

184 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.

BARONESS LISTER OF BURTERSETT
BARONESS HODGSON OF ABINGER
THE LORD BISHOP OF GLOUCESTER

185 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.

LORD PADDICK
BARONESS FEATHERSTONE

186 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.

LORD RAMSBOTHAM
BARONESS ANDREWS
BARONESS FINLAY OF LLANDAFF
LORD SHINKWIN

187 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

188 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 76

BARONESS HAMWEE
BARONESS BURT OF SOLIHULL

189 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 78

BARONESS LISTER OF BURTERSETT
LORD BEST
BARONESS PRIMAROLO
BARONESS CHAKRABARTI

190 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".

Clause 79

LORD MARKS OF HENLEY-ON-THAMES

191 Page 61, line 14, at end insert –

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

FIFTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

3 February 2021
