

Jess Phillips MP
House of Commons
London
SW1A 0PW

3 June 2020

Dear Jess,

DOMESTIC ABUSE BILL: GOVERNMENT AMENDMENTS FOR COMMITTEE

We are writing to let you have details of the Government amendments (copy attached) we have tabled for Commons Committee stage.

Homeless victims of domestic abuse (new clause “*Homelessness: victims of domestic abuse*” and amendments to clauses 66, 67 and 68)

You will recall that on 2 May, the Secretary of State for Housing, Communities and Local Government announced¹ that the Government would be bringing forward amendments to the Bill to provide that all eligible homeless victims of domestic abuse automatically have ‘priority need’ for homelessness assistance. This will ensure that any victim of domestic abuse who is eligible will be accommodated by the local authority.

The new clause makes the necessary amendments to existing housing legislation (Part VII of the Housing Act 1996 and the Homelessness (Priority Need for Accommodation) (England) Order 2002) to include ‘a person who is homeless as a result of that person being a victim of domestic abuse’ in the priority need category. The new clause will also amend the language in the housing legislation to reflect contemporary understanding of the nature of domestic abuse, by replacing references to domestic violence with domestic abuse as defined in clause 1 of the Bill.

As with the existing provisions in Part VII of the Housing Act 1996, these provisions will apply to England only.

As the Communities Secretary indicated in his speech on 2 May, this change to local authorities’ duties under the Housing Act 1996 will be a fully funded.

We attach “Keeling Schedules” showing the relevant existing legislation as it would be amended by new clause “*Homelessness: victims of domestic abuse*”.

¹ <https://www.gov.uk/government/speeches/communities-secretarys-statement-on-coronavirus-covid-19-2-may-2020--2>

We have also tabled a small number of minor and technical amendments as follows.

References to the Common Council of the City of London (amendments to clauses 14 and 57)

Clause 14 requires a number of specified public bodies, including local authorities in England, to cooperate with the Domestic Abuse Commissioner, amongst these is the Common Council of the city of London. Clause 57 defines a "local authority" for the purposes of Part 4 of the Bill (which provides for the new duty on tier one local authorities to provide support to victims of domestic abuse within safe accommodation), the definition includes the Common Council. The City of London Corporation has both public and private functions and it is therefore appropriate that public legislation applies to the Corporation only in respect of its public functions. The amendments to clauses 14 and 57 therefore provide that the references to the Common Council relate to its capacity as a local authority.

Sentencing Code (amendments to clauses 36, 40, 45 and 59 and new clause "Consequential amendments of the Sentencing Code")

The Sentencing Bill, introduced in the House of Lords on 5 March, introduces a Sentencing Code consolidating the law governing sentencing procedure in England and Wales. Amendments are needed to Part 3 and clause 59 of the Domestic Abuse Bill (which provides for domestic abuse protection notices and domestic abuse protection orders (DAPOs), and prohibits cross-examination in person in family proceedings respectively) consequential on the Sentencing Code and vice versa.

Breach of a DAPO (amendments to clauses 36 and 71)

Clause 36 provides that breach of a DAPO is a criminal offence. Where someone is convicted of such an offence, clause 36(6) provides that a conditional discharge is not an option open to the court in respect of the offence. Conduct that is an offence in England and Wales may also be charged as a service offence, so a breach of a DAPO may come before the service courts. The amendment to clause 36 makes equivalent provision to clause 36(6) where a service court convicts someone of the offence. There are consequential amendments to the extent clause.

We are copying this letter to member of the Public Bill Committee.



Victoria Atkins MP



Alex Chalk MP



House of Commons

3rd June 2020

PUBLIC BILL COMMITTEE

DOMESTIC ABUSE BILL

Victoria Atkins
Alex Chalk

1

To move the following Clause—

“Homelessness: victims of domestic abuse

- (1) Part 7 of the Housing Act 1996 (homelessness: England) is amended as follows.
- (2) In section 177 (whether it is reasonable to continue to occupy accommodation)—
 - (a) in subsection (1), for “domestic violence or other violence” substitute “violence or domestic abuse”;
 - (b) for subsection (1A) substitute—

“(1A) For this purpose—

 - (a) “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020;
 - (b) “violence” means—
 - (i) violence from another person; or
 - (ii) threats of violence from another person which are likely to be carried out.”
- (3) Omit section 178 (meaning of associated person).
- (4) In section 179 (duty of local housing authority in England to provide advisory services), in subsection (5)—
 - (a) for the definition of “domestic abuse” substitute—

““domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020;”;
 - (b) omit the definition of “financial abuse”.
- (5) In section 189 (priority need for accommodation)—
 - (a) in subsection (1), after paragraph (d) insert—

“(e) a person who is homeless as a result of that person being a victim of domestic abuse.”;
 - (b) after subsection (4) insert—

“(5) In this section “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020.”
- (6) In section 198 (referral of case to another local housing authority)—

Domestic Abuse Bill, continued

- (a) in subsection (2), in paragraph (c), for “domestic violence” substitute “domestic abuse”;
- (b) in subsection (2ZA), in paragraph (b), for “domestic violence” substitute “domestic abuse”;
- (c) in subsection (2A), in paragraph (a), for “domestic violence” substitute “violence that is domestic abuse”;
- (d) for subsection (3) substitute—
 - “(3) For the purposes of subsections (2), (2ZA) and (2A)—
 - (a) “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020;
 - (b) “violence” means—
 - (i) violence from another person; or
 - (ii) threats of violence from another person which are likely to be carried out.”
- (7) In section 218 (index of defined expressions: Part 7), in the table, omit the entry relating to section 178.
- (8) In article 6 of the Homelessness (Priority Need for Accommodation) (England) Order 2002 (S.I. 2002/2051) (vulnerability: fleeing violence or threats of violence)—
 - (a) the existing text becomes paragraph (1);
 - (b) after that paragraph insert—
 - “(2) For the purposes of this article—
 - (a) “violence” does not include violence that is domestic abuse;
 - (b) “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020.”
- (9) In consequence of the repeal made by subsection (3), omit the following provisions—
 - (a) in Schedule 8 to the Civil Partnership Act 2004, paragraph 61;
 - (b) in Schedule 3 to the Adoption and Children Act 2002, paragraphs 89 to 92.”

Member’s explanatory statement

This New Clause makes two key changes to Part 7 of the Housing Act 1996 in relation to homelessness in England. First, it amends section 189 to give homeless victims of domestic abuse priority need for accommodation. Second, it amends Part 7 to change references to “domestic violence” to references to “domestic abuse” within the meaning of clause 1 of the Bill.

Victoria Atkins
Alex Chalk

Clause **66**, page **49**, line **36**, after “64” insert “, (*Homelessness: victims of domestic abuse*)” **2**

Member’s explanatory statement

This amendment is consequential on amendment 1.

Domestic Abuse Bill, *continued*

Victoria Atkins
Alex Chalk

Clause **67**, page **50**, line **27**, after “64” insert “, (*Homelessness: victims of domestic abuse*)” **3**

Member’s explanatory statement

This amendment is consequential on amendment 1.

Victoria Atkins
Alex Chalk

Clause **68**, page **50**, line **38**, after “64,” insert “(*Homelessness: victims of domestic abuse*),” **4**

Member’s explanatory statement

This amendment is consequential on amendment 1.



House of Commons

3rd June 2020

PUBLIC BILL COMMITTEE

DOMESTIC ABUSE BILL

Victoria Atkins
Alex Chalk

Clause 14, page 10, line 2, after “London” insert “in its capacity as a local authority” 1

Member’s explanatory statement

This amendment clarifies that the reference to the Common Council of the City of London in the definition of “English local authority” in clause 14 is to the Common Council in its capacity as a local authority.

Victoria Atkins
Alex Chalk

Clause 36, page 23, line 29, leave out “section 154(1) of the Criminal Justice Act 2003” and insert “paragraph 24(2) of Schedule 22 to the Sentencing Act 2020” 2

Member’s explanatory statement

This amendment, and amendments 3, 5, 6 and 8, update references to existing legislation in the Bill to refer to the equivalent provision made by the Sentencing Bill that was introduced into Parliament in March (which will introduce the new Sentencing Code).

Victoria Atkins
Alex Chalk

Clause 36, page 23, line 36, leave out from “under” to “(conditional” and insert “section 80 of the Sentencing Code” 3

Member’s explanatory statement

See the explanatory statement for amendment 2.

Victoria Atkins
Alex Chalk

Clause 36, page 23, line 37, at end insert— 4

“(6A) If a person is convicted of an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence under this section, it is not open to the service court that convicted the person to make, in respect of the offence, an order under section 185 of that Act (conditional discharge).
In this subsection “service court” means the Court Martial or the Service Civilian Court.”

Domestic Abuse Bill, continued

Member's explanatory statement

Conduct that is an offence under the law of England and Wales (or would be if it took place there) may be charged as a service offence, so a breach of a domestic abuse protection order may be dealt with by a service court. This amendment therefore makes provision corresponding to that made by clause 36(6), prohibiting a service court from giving a person a conditional discharge for breaching an order.

Victoria Atkins
Alex Chalk

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Clause **40**, page **26**, line **22**, leave out “section 154(1) of the Criminal Justice Act 2003” and insert “paragraph 24(2) of Schedule 22 to the Sentencing Act 2020”

Member's explanatory statement

See the explanatory statement for amendment 2.

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Alex Chalk

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Clause **45**, page **31**, leave out line 15 and insert “sections 79, 80 and 82 of the Sentencing Code”

Member's explanatory statement

See the explanatory statement for amendment 2.

Victoria Atkins
Alex Chalk

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Clause **57**, page **37**, line **1**, after “London” insert “in its capacity as a local authority”

Member's explanatory statement

This amendment clarifies that the reference to the Common Council of the City of London in the definition of “local authority” for the purposes of Part 4 of the Bill is to the Common Council in its capacity as a local authority.

Victoria Atkins
Alex Chalk

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Clause **59**, page **39**, line **32**, at end insert—
“(aa) section 80 of the Sentencing Code;”

Member's explanatory statement

See the explanatory statement for amendment 2.

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Alex Chalk

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Clause **71**, page **52**, line **3**, at end insert—
“() section 36(6A),”

Member's explanatory statement

This amendment is consequential on amendment 4.

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Alex Chalk

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Clause **71**, page **52**, line **6**, at end insert—

Domestic Abuse Bill, *continued*

- “() Section 36(6A) and this subsection (and sections 67 to 69, 72 and 73, so far as relating to those provisions) extend to—
- (a) the Isle of Man, and
 - (b) the British overseas territories except Gibraltar;
- and the power under section 384(2) of the Armed Forces Act 2006 may be exercised so as to modify section 36(6A) as it extends to the Isle of Man or a British overseas territory other than Gibraltar.
- () The power under section 384(1) of the Armed Forces Act 2006 may be exercised so as to extend section 36(6A) of this Act to any of the Channel Islands (with or without modifications).”

Member’s explanatory statement

This amendment is consequential on amendment 4.

Victoria Atkins
Alex Chalk

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To move the following Clause—

“Consequential amendments of the Sentencing Code

- (1) The Sentencing Code is amended as follows.
- (2) In section 80 (order for conditional discharge), in subsection (3), at the end insert—
“(f) section 36(6) (breach of domestic abuse protection order).”
- (3) In Chapter 6 of Part 11 (other behaviour orders), before section 379 (but after the heading “Other orders”) insert—

“378A Domestic abuse protection orders

See Part 3 of the Domestic Abuse Act 2020 (and in particular section 28(3) of that Act) for the power of a court to make a domestic abuse protection order when dealing with an offender for an offence.”

Member’s explanatory statement

This New Clause makes two consequential amendments to the Sentencing Code as a result of Part 3 of the Bill. The first adds a reference to clause 36(6) to the list of cases where an order for conditional discharge is not available. The second inserts a signpost to Part 3 of the Bill into Part 11 of the Sentencing Code, which deals with behaviour orders.

DOMESTIC ABUSE BILL: KEELING SCHEDULES

This document shows provisions in other enactments as they would be amended by the Government Committee stage amendments. It is intended to assist the consideration of these provisions in the Bill and should not be taken as a definitive statement of the law as it would have effect on the enactment of the Bill.

Deletions are shown ~~struck through~~ and additions in *italics*.

Index

Housing Act 1996 – Sections 177, 178, 179, 189, 198 and 218

Homelessness (Priority Need for Accommodation) (England) Order 2002 – Article 6

Civil Partnership Act 2004 – Schedule 8, paragraph 61

Adoption and Children Act 2002 – Schedule 3, paragraphs 89 to 92

Section 177 of the Housing Act 1996 as amended by subsection (2) of new clause “Homelessness: victims of domestic abuse”

Section 177: Whether it is reasonable to continue to occupy accommodation

(1) It is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to ~~domestic violence or other violence~~ *violence or domestic abuse* against him, or against—

- (a) a person who normally resides with him as a member of his family, or
- (b) any other person who might reasonably be expected to reside with him.

~~(1A) For this purpose “violence” means—~~

- ~~(a) violence from another person; or~~
- ~~(b) threats of violence from another person which are likely to be carried out;~~

~~and violence is “domestic violence” if it is from a person who is associated with the victim.~~

~~(1A) For this purpose-~~

~~(a) “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020;~~

~~(b) “violence” means-~~

~~(i) violence from another person; or~~

~~(ii) threats of violence from another person which are likely to be carried out.~~

(2) In determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation, regard may be had to the general circumstances prevailing in relation to housing in the district of the local housing authority to whom he has applied for accommodation or for assistance in obtaining accommodation.

(3) The Secretary of State may by order specify—

(a) other circumstances in which it is to be regarded as reasonable or not reasonable for a person to continue to occupy accommodation, and

(b) other matters to be taken into account or disregarded in determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation.

**Section 178 of the Housing Act 1996 as repealed by subsection (3) of new clause
“Homelessness: victims of domestic abuse”**

~~Section 178: Meaning of associated person~~

~~(1) For the purposes of this Part, a person is associated with another person if—~~

- ~~(a) they are or have been married to each other;~~
- ~~(aa) they are or have been civil partners of each other;~~
- ~~(b) they are cohabitants or former cohabitants;~~
- ~~(c) they live or have lived in the same household;~~
- ~~(d) they are relatives;~~
- ~~(e) they have agreed to marry one another (whether or not that agreement has been terminated);~~
- ~~(ea) they have entered into a civil partnership agreement between them (whether or not that agreement has been terminated);~~
- ~~(f) in relation to a child, each of them is a parent of the child or has, or has had, parental responsibility for the child.~~

~~(2) If a child has been adopted or falls within subsection (2A), two persons are also associated with each other for the purposes of this Part if—~~

- ~~(a) one is a natural parent of the child or a parent of such a natural parent, and~~
- ~~(b) the other is the child or a person—~~
 - ~~(i) who has become a parent of the child by virtue of an adoption order or who has applied for an adoption order, or~~
 - ~~(ii) with whom the child has at any time been placed for adoption.~~

~~(2A) A child falls within this subsection if—~~

- ~~(a) an adoption agency, within the meaning of section 2 of the Adoption and Children Act 2002, is authorised to place him for adoption under section 19 of that Act (placing children with parental consent) or he has become the subject of an order under section 21 of that Act (placement orders), or~~
- ~~(b) he is freed for adoption by virtue of an order made—~~
 - ~~(i) in England and Wales, under section 18 of the Adoption Act 1976,~~
 - ~~(ii) in Scotland, under section 18 of the Adoption (Scotland) Act 1978, or~~

~~(iii) — in Northern Ireland, under Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987.~~

~~(3) — In this section —~~

~~“adoption order” means an adoption order within the meaning of section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002;~~

~~“child” means a person under the age of 18 years;~~

~~“civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;~~

~~“cohabitants” means —~~

~~two people who, although not married to, or civil partners of, each other, are living together as if they were a married couple or civil partners;~~

~~and “former cohabitants” shall be construed accordingly;~~

~~“parental responsibility” has the same meaning as in the Children Act 1989; and~~

~~“relative”, in relation to a person, means —~~

~~(a) — the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that person or of that person's spouse, civil partner, former spouse or former civil partner, or~~

~~(b) — the brother, sister, uncle, aunt, niece or nephew (whether of the full blood or of the half blood or by marriage or civil partnership) of that person or of that person's spouse, civil partner, former spouse or former civil partner,~~

~~and includes, in relation to a person who is living or has lived with another person as if they were a married couple or civil partners, a person who would fall within paragraph (a) or (b) if the parties were married to, or civil partners of, each other.~~

Section 179 of the Housing Act 1996 as amended by subsection (4) of new clause “Homelessness: victims of domestic abuse”

Section 179: Duty of local housing authority in England to provide advisory services

(1) Each local housing authority in England must provide or secure the provision of a service, available free of charge to any person in the authority's district, providing information and advice on—

- (a) preventing homelessness,
- (b) securing accommodation when homeless,
- (c) the rights of persons who are homeless or threatened with homelessness, and the duties of the authority, under this Part,
- (d) any help that is available from the authority or anyone else, whether under this Part or otherwise, for persons in the authority's district who are homeless or may become homeless (whether or not they are threatened with homelessness), and
- (e) how to access that help.

(2) The service must be designed to meet the needs of persons in the authority's district including, in particular, the needs of—

- (a) persons released from prison or youth detention accommodation,
- (b) care leavers,
- (c) former members of the regular armed forces,
- (d) victims of domestic abuse,
- (e) persons leaving hospital,
- (f) persons suffering from a mental illness or impairment, and
- (g) any other group that the authority identify as being at particular risk of homelessness in the authority's district.

(3) The authority may give to any person by whom the service is provided on behalf of the authority assistance by way of grant or loan.

(4) The authority may also assist any such person—

- (a) by permitting the person to use premises belonging to the authority,
- (b) by making available furniture or other goods, whether by way of gift, loan or otherwise, and
- (c) by making available the services of staff employed by the authority.

(5) In this section—

“care leavers” means persons who are former relevant children (within the meaning given by section 23C(1) of the Children Act 1989);

~~“domestic abuse” means—~~

- ~~(a) physical violence,~~

~~(b) threatening, intimidating, coercive or controlling behaviour, or~~

~~(c) emotional, financial, sexual or any other form of abuse,~~

~~where the victim is associated with the abuser;~~

“domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020;

~~“financial abuse” includes—~~

~~(a) having money or other property stolen,~~

~~(b) being defrauded,~~

~~(c) being put under pressure in relation to money or other property, and~~

~~(d) having money or other property misused;~~

“hospital” has the same meaning as in the National Health Service Act 2006 (see section 275(1) of that Act);

“regular armed forces” means the regular forces as defined by section 374 of the Armed Forces Act 2006;

“youth detention accommodation” means—

(a) a secure children's home,

(b) a secure training centre,

(c) a secure college,

(d) a young offender institution,

(e) accommodation provided by or on behalf of a local authority for the purpose of restricting the liberty of children;

(f) accommodation for that purpose under section 82(5) of the Children Act 1989, or

(g) accommodation, or provided accommodation of a description, for the time being specified by order under section 107(1)(e) of the Powers of Criminal Courts (Sentencing) Act 2000 (youth detention accommodation for the purposes of detention and training orders).

Section 189 of the Housing Act 1996 as amended by subsection (5) of new clause “*Homelessness: victims of domestic abuse*”

Section 189: Priority need for accommodation

- (1) The following have a priority need for accommodation—
 - (a) a pregnant woman or a person with whom she resides or might reasonably be expected to reside;
 - (b) a person with whom dependent children reside or might reasonably be expected to reside;
 - (c) a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;
 - (d) a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster.
 - (e) a person who is homeless as a result of that person being a victim of domestic abuse.*
- (2) The Secretary of State may by order—
 - (a) specify further descriptions of persons as having a priority need for accommodation, and
 - (b) amend or repeal any part of subsection (1).
- (3) Before making such an order the Secretary of State shall consult such associations representing relevant authorities, and such other persons, as he considers appropriate.
- (4) No such order shall be made unless a draft of it has been approved by resolution of each House of Parliament.
- (5) In this section “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020.*

Section 198 of the Housing Act 1996 as amended by subsection (6) of new clause “Homelessness: victims of domestic abuse”

Section 198: Referral of case to another local housing authority

(A1) If the local housing authority would be subject to the duty under section 189B (initial duty owed to all eligible persons who are homeless) but consider that the conditions are met for referral of the case to another local housing authority in England, they may notify that other authority of their opinion.

(1) If the local housing authority would be subject to the duty under section 193 (accommodation for those with priority need who are not homeless intentionally) but consider that the conditions are met for referral of the case to another local housing authority, they may notify that other authority of their opinion.

(2) The conditions for referral of the case to another authority are met if—

- (a) neither the applicant nor any person who might reasonably be expected to reside with him has a local connection with the district of the authority to whom his application was made,
- (b) the applicant or a person who might reasonably be expected to reside with him has a local connection with the district of that other authority, and
- (c) neither the applicant nor any person who might reasonably be expected to reside with him will run the risk of ~~domestic violence~~ *domestic abuse* in that other district.

(2ZA) The conditions for referral of the case to another authority are also met if—

- (a) the application is made within the period of two years beginning with the date on which the applicant accepted an offer from the other authority under section 193(7AA) (private rented sector offer), and
- (b) neither the applicant nor any person who might reasonably be expected to reside with the applicant will run the risk of ~~domestic violence~~ *domestic abuse* in the district of the other authority.

(2A) But the conditions for referral mentioned in subsection (2) or (2ZA) are not met if—

- (a) the applicant or any person who might reasonably be expected to reside with him has suffered violence (other than ~~domestic violence~~ *violence that is domestic abuse*) in the district of the other authority; and
- (b) it is probable that the return to that district of the victim will lead to further violence of a similar kind against him.

~~(3) For the purposes of subsections (2), (2ZA) and (2A) “violence” means—~~

- ~~(a) violence from another person; or~~
- ~~(b) threats of violence from another person which are likely to be carried out;~~

~~and violence is “domestic violence” if it is from a person who is associated with the victim.~~

(3) *For the purposes of subsections (2), (2ZA) and (2A)-*

(a) “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020;

(b) “violence” means –

(i) violence from another person; or

(ii) threats of violence from another person which are likely to be carried out.

(4) The conditions for referral of the case to another authority are also met if—

(a) the applicant was on a previous application made to that other authority placed (in pursuance of their functions under this Part) in accommodation in the district of the authority to whom his application is now made, and

(b) the previous application was within such period as may be prescribed of the present application.

(4A) Subsection (4) is to be construed, in a case where the other authority is an authority in Wales, as if the reference to “this Part” were a reference to Part 2 of the Housing (Wales) Act 2014.

(5) The question whether the conditions for referral of a case which does not involve a referral to a local housing authority in Wales are satisfied shall be decided by agreement between the notifying authority and the notified authority or, in default of agreement, in accordance with such arrangements as the Secretary of State may direct by order.

(5A) The question whether the conditions for referral of a case involving a referral to a local housing authority in Wales shall be decided by agreement between the notifying authority and the notified authority or, in default of agreement, in accordance with such arrangements as the Secretary of State and the Welsh Ministers may jointly direct by order.

(6) An order may direct that the arrangements shall be—

(a) those agreed by any relevant authorities or associations of relevant authorities, or

(b) in default of such agreement, such arrangements as appear to the Secretary of State or, in the case of an order under subsection (5A), to the Secretary of State and the Welsh Ministers to be suitable, after consultation with such associations representing relevant authorities, and such other persons, as he thinks appropriate.

(7) An order under this section shall not be made unless a draft of the order has been approved by a resolution of each House of Parliament and, in the case of a joint order, a resolution of the National Assembly for Wales

Section 218 of the Housing Act 1996 as amended by subsection (7) of new clause “Homelessness: victims of domestic abuse”

Section 218: Index of defined expressions: Part VII

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or explaining an expression used in the same section)—

| | |
|---|---------------------------|
| accommodation available for occupation | section 176 |
| applicant | section 183(2) |
| assistance under this Part | section 183(2) |
| associated (in relation to a person) | section 178 |
| assured tenancy and assured shorthold tenancy | section 230 |
| district (of local housing authority) | section 217(3) |
| eligible for assistance | section 183(2) |
| homeless | section 175(1) |
| housing functions under this Part (in sections [206 and 208]) | section 205(2) |
| intentionally homeless | section 191 |
| local connection | section 199 |
| local housing authority— | |
| -in England and Wales | section 230 |
| -in Scotland | section 217(2)(a) |
| Prescribed | section 215(1) |
| priority need | section 189 |
| [private landlord | section 217(1)] |
| Reasonable to continue to occupy accommodation | section 177 |
| registered social landlord | section 230 |
| relevant authority | section 217(1) |
| restricted person | section 184(7) |
| social services authority | section 217(1) and (2)(b) |
| threatened with homelessness | section 175(4) |

Article 6 of the Homelessness (Priority Need for Accommodation) (England) Order 2002 as amended by subsection (8) of new clause “Homelessness: victims of domestic abuse”

Article 6: Vulnerability: fleeing violence or threats of violence

(1) A person who is vulnerable as a result of ceasing to occupy accommodation by reason of violence from another person or threats of violence from another person which are likely to be carried out.

(2) *For the purposes of this article –*

(a) *“violence” does not include violence that is domestic abuse;*

(b) *“domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020.*

Schedule 8, paragraph 61 of the Civil Partnership Act 2004 as omitted by subsection (9)(a) of new clause “Homelessness: victims of domestic abuse” in consequences of the repeal made by subsection (3).

61

(1) — Amend section 178 (meaning of “associated person” in Part 7) as follows.

(2) — In subsection (1), after paragraph (a) insert —

“(aa) — they are or have been civil partners of each other;”.

(3) — In subsection (1), after paragraph (e) insert —

“(ea) — they have entered into a civil partnership agreement between them (whether or not that agreement has been terminated);”.

(4) — In subsection (3), after the definition of “child” insert —

““civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;”.

(5) — In subsection (3), for the definition of “cohabitants” substitute —

““cohabitants” means —

(a) — a man and a woman who, although not married to each other, are living together as husband and wife, or

(b) — two people of the same sex who, although not civil partners of each other, are living together as if they were civil partners;

and “former cohabitants” shall be construed accordingly;”.

(6) — In subsection (3), in each of paragraphs (a) and (b) of the definition of “relative”, for “spouse or former spouse” substitute “spouse, civil partner, former spouse or former civil partner”.

(7) — In paragraph (b) of that definition, for “affinity” substitute “marriage or civil partnership”.

Schedule 3, paragraphs 89 to 92 of the Adoption and Children Act 2002 as omitted by subsection (9)(b) of new clause “*Homelessness: victims of domestic abuse*” in consequences of the repeal made by subsection (3).

89

~~Section 178 of the Housing Act 1996 (meaning of associated person) is amended as follows.~~

90

~~In subsection (2), for the words from “has been freed” to “1976” there is substituted “falls within subsection (2A)”.~~

91

~~After that subsection there is inserted—~~

~~“(2A) A child falls within this subsection if—~~

~~(a) an adoption agency, within the meaning of section 2 of the Adoption and Children Act 2002, is authorised to place him for adoption under section 19 of that Act (placing children with parental consent) or he has become the subject of an order under section 21 of that Act (placement orders), or~~

~~(b) he is freed for adoption by virtue of an order made—~~

~~(i) in England and Wales, under section 18 of the Adoption Act 1976,~~

~~(ii) in Scotland, under section 18 of the Adoption (Scotland) Act 1978, or~~

~~(iii) in Northern Ireland, under Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987.”~~

92

~~In subsection (3), for the definition of “adoption order”, there is substituted—~~

~~““adoption order” means an adoption order within the meaning of section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002;”~~