
STATUTORY INSTRUMENTS

2022 No. 568

**CIVIL PROCEEDINGS
FAMILY PROCEEDINGS
SENIOR COURTS OF ENGLAND AND WALES**

**The Prohibition of Cross-Examination in Person
(Civil and Family Proceedings) Regulations 2022**

Made - - - - *18th May 2022*

Laid before Parliament *23rd May 2022*

Coming into force in accordance with regulation 1(2)

The Lord Chancellor, in exercise of the powers conferred by sections 31R(5), 31S(4), 31T(3) and (4) and 31Z(1)(b) of the Matrimonial and Family Proceedings Act 1984⁽¹⁾, and sections 85F(5), 85G(4), 85H(3) and (4), 85N and 108(6) of the Courts Act 2003⁽²⁾ makes the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Prohibition of Cross-Examination in Person (Civil and Family Proceedings) Regulations 2022.

(2) These Regulations come into force on the day on which and immediately after sections 65 and 66 of the Domestic Abuse Act 2021⁽³⁾ come into force.

(3) In these Regulations—

“the 1984 Act” means the Matrimonial and Family Proceedings Act 1984;

“the 2003 Act” means the Courts Act 2003.

(4) These Regulations extend to England and Wales.

Specified offences

2. The offences, including those under laws which are no longer in force, in the tables in Schedule 1 are specified offences for the purposes of—

(1) 1984 c. 42. Sections 31R, 31S, 31T and 31Z were inserted by section 65 of the Domestic Abuse Act 2021 (c. 17). Section 31R(7) provides that for the purposes of that section, “offence” includes an offence under a law that is no longer in force.
(2) 2003 c. 39. Sections 85F, 85G, 85H and 85N were inserted by section 66 of the Domestic Abuse Act 2021 (c. 17). Section 85F(7) provides that for the purposes of that section, “offence” includes an offence under a law that is no longer in force.
(3) 2021 c. 17.

- (1) section 31R(5) of the 1984 Act; and
- (2) section 85F(5) of the 2003 Act.

Protective injunctions

3. The injunctions, orders and interdicts in the tables in Schedule 2 are protective injunctions for the purposes of—

- (1) section 31S(4) of the 1984 Act; and
- (2) section 85G(4) of the 2003 Act.

Specified evidence

4.—(1) Subject to paragraph (2), the forms of evidence described in Schedule 3 are specified evidence for the purposes of—

- (a) section 31T(3) and (4) of the 1984 Act; and
- (b) section 85H(3) and (4) of the 2003 Act.

(2) The evidence must show that domestic abuse has occurred between the party to the proceedings and the witness.

18th May 2022

James Cartlidge
Parliamentary Under Secretary of State
Ministry of Justice

SCHEDULE 1

Regulation 2

Specified offences

Table 1 – Offences under the law of England and Wales

<i>Offence (England and Wales)</i>	<i>Statutory provision or other law (England and Wales)</i>
Kidnapping	Common law
False imprisonment	Common law
Perverting the course of public justice	Common law
Murder/manslaughter (of a child)	Common law
Incitement (pre 1st October 2008) in relation to: (a) an indictable offence listed in this table; and (b) the offence of murder	Common law
Aiding, abetting, counselling or procuring the commission of: (a) an indictable offence listed in this table; or (b) the offence of attempted murder	Section 8 of the Accessories and Abettors Act 1861 (c. 94 (24 & 25 Vict))
Conspiring or soliciting to commit murder	Section 4 of the Offences Against the Person Act 1861 (c. 100 (24 & 25 Vict))
Threats to kill	Section 16 of the Offences against the Person Act 1861
Shooting or attempting to shoot, or wounding, with intent to do grievous bodily harm or to resist apprehension	Section 18 of the Offences against the Person Act 1861
Inflicting bodily injury with or without weapon	Section 20 of the Offences against the Person Act 1861
Attempting to choke, etc. in order to commit or assist in the committing of any indictable offence	Section 21 of the Offences against the Person Act 1861
Using chloroform etc to commit or assist in the committing of any indictable offence	Section 22 of the Offences against the Person Act 1861
Maliciously administering poison, etc. so as to endanger life or inflict grievous bodily harm	Section 23 of the Offences against the Person Act 1861
Maliciously administering poison, etc. with intent to injure, aggrieve, or annoy any other person	Section 24 of the Offences Against the Person Act 1861
Exposing child whereby life is endangered or health permanently injured	Section 27 of the Offences against the Person Act 1861

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<i>Offence (England and Wales)</i>	<i>Statutory provision or other law (England and Wales)</i>
Causing gunpowder to explode, or sending to any person an explosive substance, or throwing corrosive fluid on a person, with intent to do grievous bodily harm	Section 29 of the Offences against the Person Act 1861
Assault occasioning bodily harm - common assault	Section 47 of the Offences against the Person Act 1861
Child destruction	Section 1 of the Infant Life (Preservation) Act 1929 (c. 34 (19 & 20 Geo 5))
Cruelty to persons under sixteen	Section 1 of the Children and Young Persons Act 1933 (c.12 (23 & 24 Geo 5))
Allowing persons under 16 to be in brothels	Section 3 of the Children and Young Persons Act 1933
Causing or allowing persons under 16 to be used for begging	Section 4 of the Children and Young Persons Act 1933
Giving intoxicating liquor to children under 5	Section 5 of the Children and Young Persons Act 1933
Scandalous Conduct of Officer	Section 64 of the Army Act 1955 (c. 18 (3 & 4 Eliz 2))
Disgraceful Conduct	Section 66 of the Army Act 1955
Offences of attempts and aiding and abetting in respect of an offence under sections 64, 66 or 69 Army Act 1955	Sections 68 and 68A of the Army Act 1955
Conduct to the Prejudice of Military Discipline	Section 69 of the Army Act 1955
Civil offences where the corresponding offence under the law of England and Wales is listed in this table	Section 70 of the Army Act 1955
Scandalous Conduct of Officer	Section 64 of the Air Force Act 1955 (c. 19 (3 & 4 Eliz 2))
Disgraceful Conduct	Section 66 of the Air Force Act 1955
Offences of attempts and aiding and abetting in respect of an offence under sections 64, 66 or 69 Air Force Act 1955	Sections 68 and 68A of the Air Force Act 1955
Conduct to the Prejudice of Air Force Discipline	Section 69 of the Air Force Act 1955
Civil offences where the corresponding offence under the law of England and Wales is listed in this table	Section 70 of the Air Force Act 1955
Rape	Section 1 of the Sexual Offences Act 1956 (c. 69 (4 & 5 Eliz 2))

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<i>Offence (England and Wales)</i>	<i>Statutory provision or other law (England and Wales)</i>
Procurement of woman by threats	Section 2 of the Sexual Offences Act 1956
Administering drugs to obtain or facilitate intercourse	Section 4 of the Sexual Offences Act 1956
Intercourse with girl under 13	Section 5 of the Sexual Offences Act 1956
Intercourse with girl between 13 and 16	Section 6 of the Sexual Offences Act 1956
Buggery	Section 12 of the Sexual Offences Act 1956
Indecent assault on a woman	Section 14 of the Sexual Offences Act 1956
Indecent assault on a man	Section 15 of the Sexual Offences Act 1956
Fighting or Quarrelling	Section 13 of the Naval Discipline Act 1957 (c. 53 (5 & 6 Eliz 2))
Cruelty or Scandalous Conduct by Officers	Section 36 of the Naval Discipline Act 1957
Disgraceful Conduct	Section 37 of the Naval Discipline Act 1957
Conduct to the prejudice of naval discipline	Section 39 of the Naval Discipline Act 1957
Offence of attempts and aiding and abetting in respect of an offence under sections 13, 36, 37 or 39 Naval Discipline Act 1957	Sections 40 and 41 of the Naval Discipline Act 1957
Civil offences where the corresponding offence under the law of England & Wales is listed in this table	Section 42 of the Naval Discipline Act 1957
Indecent conduct towards young child	Section 1 of the Indecency with Children Act 1960 (c. 33 (8 & 9 Eliz 2))
Procuring a miscarriage	Section 5(2) of the Abortion Act 1967 (c. 87)
Theft	Section 7 of the Theft Act 1968 (c. 60)
Blackmail	Section 21 of the Theft Act 1968
Destroying or damaging property	Section 1 of the Criminal Damage Act 1971 (c. 48)
Threats to destroy or damage property	Section 2 of the Criminal Damage Act 1971
The offence of conspiracy in relation to:	
(a) an indictable offence listed in this table; and	Section 1 of the Criminal Law Act 1977 (c. 45)
(b) the offence of murder	
Violence for securing entry	Section 6 of the Criminal Law Act 1977
Inciting girl under 16 to have incestuous sexual intercourse (pre-2004)	Section 54 of the Criminal Law Act 1977
Indecent photos of children	Section 1 of the Protection of Children Act 1978 (c. 37)

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<i>Offence (England and Wales)</i>	<i>Statutory provision or other law (England and Wales)</i>
Attempting to commit an offence in relation to: (a) an indictable offence listed in this table; and (b) the offence of murder	Section 1 of the Criminal Attempts Act 1981 (c. 47)
Abduction of child by parent, etc	Section 1 of the Child Abduction Act 1984 (c. 37)
Abduction of child by other persons (not parent, etc)	Section 2 of the Child Abduction Act 1984
Affray	Section 3 of the Public Order Act 1986 (c. 64)
Fear or provocation of violence	Section 4 of the Public Order Act 1986
Intentional harassment, alarm or distress	Section 4A of the Public Order Act 1986
Harassment, alarm or distress	Section 5 of the Public Order Act 1986
Offence of sending letters etc. with intent to cause distress or anxiety	Section 1 of the Malicious Communications Act 1988 (c. 27)
Common assault and battery	Section 39 of the Criminal Justice Act 1988 (c. 33)
Possession of indecent photos of child	Section 160 of the Criminal Justice Act 1988
Intimidation etc. of witnesses, jurors and others	Section 51 of the Criminal Justice and Public Order Act 1994 (c. 33)
Breach of non-molestation order	Section 42A of the Family Law Act 1996 (c. 27)
Breach of forced marriage protection order	Section 63CA of the Family Law Act 1996
Harassment	Section 2 of the Protection from Harassment Act 1997 (c. 40)
Stalking	Section 2A of the Protection from Harassment Act 1997
Putting people in fear of violence	Section 4 of the Protection from Harassment Act 1997
Stalking involving fear of violence or serious alarm or distress	Section 4A of the Protection from Harassment Act 1997
Offences committed outside the United Kingdom (putting people in fear of violence or stalking involving fear of violence etc)	Section 4B of the Protection from Harassment Act 1997
Breach of a restraining order	Section 5 of the Protection from Harassment Act 1997
Abduction of children in care etc	Section 49 of the Children Act 1989 (c. 41)
Racially or religiously aggravated assault	Section 29 of the Crime & Disorder Act 1998 (c. 37)

<i>Offence (England and Wales)</i>	<i>Statutory provision or other law (England and Wales)</i>
Racially or religiously aggravated criminal damage	Section 30 of the Crime & Disorder Act 1998
Racially or religiously aggravated public order offences	Section 31 of the Crime & Disorder Act 1998
Racially or religiously aggravated harassment etc	Section 32 of the Crime & Disorder Act 1998
Improper use of public electronic communications network	Section 127 of the Communications Act 2003 (c. 21)
Rape	Section 1 of the Sexual Offences Act 2003 (c. 42)
Assault by penetration	Section 2 of the Sexual Offences Act 2003
Sexual assault	Section 3 of the Sexual Offences Act 2003
Causing a person to engage in sexual activity without consent	Section 4 of the Sexual Offences Act 2003
Rape of a child under 13	Section 5 of the Sexual Offences Act 2003
Assault of a child under 13 by penetration	Section 6 of the Sexual Offences Act 2003
Sexual assault of a child under 13	Section 7 of the Sexual Offences Act 2003
Causing or inciting a child under 13 to engage in sexual activity	Section 8 of the Sexual Offences Act 2003
Sexual activity with a child	Section 9 of the Sexual Offences Act 2003
Causing or inciting a child to engage in sexual activity	Section 10 of the Sexual Offences Act 2003
Engaging in sexual activity in the presence of a child	Section 11 of the Sexual Offences Act 2003
Causing a child to watch a sexual act	Section 12 of the Sexual Offences Act 2003
Child sex offences committed by children or young persons	Section 13 of the Sexual Offences Act 2003
Arranging or facilitating commission of a child sex offence	Section 14 of the Sexual Offences Act 2003
Meeting a child following sexual grooming etc	Section 15 of the Sexual Offences Act 2003
Sexual Communication with a child	Section 15A of the Sexual Offences Act 2003
Abuse of position of trust: sexual activity with child	Section 16 of the Sexual Offences Act 2003
Abuse of position of trust: causing or inciting a child to engage in sexual activity	Section 17 of the Sexual Offences Act 2003
Abuse of position of trust: sexual activity in the presence of a child	Section 18 of the Sexual Offences Act 2003

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<i>Offence (England and Wales)</i>	<i>Statutory provision or other law (England and Wales)</i>
Abuse of position of trust: causing a child to watch a sexual act	Section 19 of the Sexual Offences Act 2003
Sexual activity with a child family member	Section 25 of the Sexual Offences Act 2003
Inciting a child family member to engage in sexual activity	Section 26 of the Sexual Offences Act 2003
Paying for sexual services of a child	Section 47 of the Sexual Offences Act 2003
Causing or inciting child prostitution or pornography	Section 48 of the Sexual Offences Act 2003
Controlling a child in relation to sexual exploitation	Section 49 of the Sexual Offences Act 2003
Arranging or facilitating sexual exploitation of a child	Section 50 of the Sexual Offences Act 2003
Causing or inciting prostitution for gain	Section 52 of the Sexual Offences Act 2003
Controlling prostitution for gain	Section 53 of the Sexual Offences Act 2003
Trafficking into the UK for sexual exploitation	Section 57 of the Sexual Offences Act 2003
Trafficking within the UK for sexual exploitation	Section 58 of the Sexual Offences Act 2003
Trafficking out of the UK for sexual exploitation	Section 59 of the Sexual Offences Act 2003
Administering a substance with intent	Section 61 of the Sexual Offences Act 2003
Committing an offence with intent to commit a sexual offence	Section 62 of the Sexual Offences Act 2003
Trespass with intent to commit a sexual offence	Section 63 of the Sexual Offences Act 2003
Offence of voyeurism	Section 67 of the Sexual Offences Act 2003
Female genital mutilation	Section 1 of the Female Genital Mutilation Act 2003 (c. 31)
Assisting girl to mutilate own genitalia	Section 2 of the Female Genital Mutilation Act 2003
Assisting a non-UK person to mutilate overseas a girl's genitalia	Section 3 of the Female Genital Mutilation Act 2003
Failure to protect a girl from risk of female genital mutilation	Section 3A of the Female Genital Mutilation Act 2003
Breach of a Female Genital Mutilation protection order	Section 5A and paragraph 4 of Schedule 2 to the Female Genital Mutilation Act 2003
Trafficking people for exploitation	Section 4 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19)
Causing or allowing child or vulnerable adult to suffer serious physical harm or death	Section 5 of the Domestic Violence, Crime and Victims Act 2004 (c. 28)
Fighting or threatening behaviour	Section 21 of the Armed Forces Act 2006 (c. 52)

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<i>Offence (England and Wales)</i>	<i>Statutory provision or other law (England and Wales)</i>
Disgraceful conduct of a cruel or indecent kind	Section 23 of the Armed Forces Act 2006
Offence of attempt, encouraging and assisting, and aiding and abetting in respect of an offence under sections 21 or 23 Armed Forces Act 2006	Sections 39 to 41 of the Armed Forces Act 2006
Offence of criminal conduct where the corresponding offence under the law of England & Wales is listed in this table	Section 42 of the Armed Forces Act 2006
Offence of attempt, conspiring, encouraging and assisting, and aiding and abetting in respect of a relevant offence under section 42 Armed Forces Act 2006 (criminal conduct where the corresponding offence under the law of England and Wales is listed in this table)	Sections 43 to 47 of the Armed Forces Act 2006
Encouraging or assisting an offence (inchoate offences) in relation to: (a) an indictable offence listed in this table; and (b) the offence of murder	Section 44 to 46 of the Serious Crime Act 2007 (c. 27)
Possession of extreme pornographic images	Section 63 of the Criminal Justice and Immigration Act 2008 (c. 4)
Possession of prohibited images of children	Section 62 of the Coroners and Justice Act 2009 (c. 25)
Offence of forced marriage	Section 121 of the Anti-social Behaviour, Crime and Policing Act 2014 (c.12)
Slavery, servitude and forced or compulsory labour, or human trafficking (or committing offence with intent to commit such an offence)	Sections 1, 2 and 4 of the Modern Slavery Act 2015 (c. 30)
Disclosing (or threatening to disclose) private sexual photographs and films with intent to cause distress	Section 33 of the Criminal Justice and Courts Act 2015 (c. 2)
Strangulation or suffocation	Section 75A of the Serious Crime Act 2015 (c. 9)
Strangulation or suffocation committed outside the United Kingdom	Section 75B of the Serious Crime Act 2015
Controlling or coercive behaviour in an intimate or family relationship	Section 76 of the Serious Crime Act 2015
Controlling or coercive behaviour in an intimate or family relationship committed outside the United Kingdom	Section 76A of the Serious Crime Act 2015
Breach of stalking protection order etc	Section 8 of the Stalking Protection Act 2019 (c. 9)

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<i>Offence (England and Wales)</i>	<i>Statutory provision or other law (England and Wales)</i>
Breach of domestic abuse protection order	Section 39 of the Domestic Abuse Act 2021 (c. 17)

Table 2 – Offences under the law of Scotland

<i>Offence (Scotland)</i>	<i>Statutory provision or other law (Scotland)</i>
Rape	Common law
Theft	Common law
Extortion	Common law
Malicious mischief	Common law
Threats to destroy or damage property	Common law
Threats to kill	Common law
Common assault (and aggravated assault)	Common law
Indecent assault	Common law
Theft of child under the age of puberty (plagium)	Common law
Breach of the peace	Common law
Attempt to pervert the course of justice	Common law
Clandestine injury to women	Common law
Abduction	Common law
Perverting the course of public justice	Common law
Cruel and unusual treatment (but only if offence is in relation to a child)	Common law
Murder/manslaughter (of a child)	Common law
Sodomy (of a child)	Common law
Lewd, indecent or libidinous practice or behaviour (towards a child)	Common law
The offence of conspiracy in relation to: (a) an indictable offence listed in this table; and (b) the offence of murder	Common law
Cruelty to persons under sixteen	Section 12 of the Children and Young Persons (Scotland) Act 1937 (c. 37)
Causing or allowing persons under 16 to be used for begging	Section 15 of the Children and Young Persons (Scotland) Act 1937
Giving exciseable liquor to children under 5	Section 16 of the Children and Young Persons (Scotland) Act 1937

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<i>Offence (Scotland)</i>	<i>Statutory provision or other law (Scotland)</i>
Exposing children under 7 to risk of burning	Section 22 of the Children and Young Person (Scotland) Act 1937 section 22
Procuring a miscarriage	Section 5(2) of the Abortion Act 1967
Indecent photographs etc. of children	Section 52 of the Civic Government (Scotland) Act 1982 (c. 45)
Possession of indecent photographs of children	Section 52A of the Civic Government (Scotland) Act 1982
Offence in Scotland of parent, etc. taking or sending child out of United Kingdom	Section 6 of the Child Abduction Act 1984
Incest (but only applicable if offence is in relation to child family members)	Section 1 of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)
Intercourse with step-child	Section 2 of the Criminal Law (Consolidation) (Scotland) Act 1995
Intercourse of person in position of trust with child under 16 (pre 2010)	Section 3 of the Criminal Law (Consolidation) (Scotland) Act 1995
Intercourse with girl under 16 (pre-2010)	Section 5 of the Criminal Law (Consolidation) (Scotland) Act 1995
Indecent behaviour towards girl between 12 and 16 (pre-2010)	Section 6 of the Criminal Law (Consolidation) (Scotland) Act 1995
Procuring	Section 7 of the Criminal Law (Consolidation) (Scotland) Act 1995
Abduction & unlawful detention	Section 8 of the Criminal Law (Consolidation) (Scotland) Act 1995
Trading in prostitution and brothel-keeping	Section 11 of the Criminal Law (Consolidation) (Scotland) Act 1995
Allowing child to be in brothel	Section 12 of the Criminal Law (Consolidation) (Scotland) Act 1995
Racially aggravated harassment	Section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995
Vandalism	Section 52 of the Criminal Law (Consolidation) (Scotland) Act 1995
Statutory offences: art and part and aiding and abetting in relation to: (a) an indictable offence listed in this table; and (b) the offence of attempted murder	Section 293 of the Criminal Procedure (Scotland) Act 1995 (c. 46)
Attempt at crime in relation to: (a) an indictable offence listed in this table; and (b) the offence of murder	Section 294 of the Criminal Procedure (Scotland) Act 1995

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<i>Offence (Scotland)</i>	<i>Statutory provision or other law (Scotland)</i>
Breach of non-harassment order	Section 9 of the Protection from Harassment Act 1997
Offences racially aggravated in relation to: (a) an indictable offence listed in this table; and (b) the offence of murder	Section 96 of the Crime and Disorder Act 1998
Improper use of public electronic communications network	Section 127 of the Communications Act 2003
Traffic in prostitution etc	Section 22 of the Criminal Justice (Scotland) Act 2003 (asp 7)
Offences aggravated by religious prejudice in relation to: (a) an indictable offence listed in this table; and (b) the offence of murder	Section 74 of the Criminal Justice (Scotland) Act 2003
Trafficking people for exploitation	Section 4 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004
Meeting a child following certain preliminary contact	Section 1 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9)
Paying for sexual services of a child	Section 9 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005
Causing or inciting provision by child of sexual services or child pornography	Section 10 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005
Controlling a child providing sexual services or involved in pornography	Section 11 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005
Arranging or facilitating provision by child of sexual services or child pornography	Section 12 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005
Female genital mutilation	Section 1 of the Prohibition of Female Genital Mutilation (Scotland) Act 2005 (asp 8)
Aiding & abetting female genital mutilation	Section 3 of the Prohibition of Female Genital Mutilation (Scotland) Act 2005
Offence of female genital mutilation: extra-territorial acts	Section 4 of the Prohibition of Female Genital Mutilation (Scotland) Act 2005
Rape	Section 1 of the Sexual Offences (Scotland) Act 2009 (asp 9)

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<i>Offence (Scotland)</i>	<i>Statutory provision or other law (Scotland)</i>
Assault by penetration	Section 2 of the Sexual Offences (Scotland) Act 2009
Sexual assault	Section 3 of the Sexual Offences (Scotland) Act 2009
Sexual coercion	Section 4 of the Sexual Offences (Scotland) Act 2009
Administering a substance for sexual purposes	Section 11 of the Sexual Offences (Scotland) Act 2009
Rape of a young child	Section 18 of the Sexual Offences (Scotland) Act 2009
Sexual assault on a young child by penetration	Section 19 of the Sexual Offences (Scotland) Act 2009
Sexual assault on a young child	Section 20 of the Sexual Offences (Scotland) Act 2009
Causing a young child to participate in sexual activity	Section 21 of the Sexual Offences (Scotland) Act 2009
Causing a young child to be present during a sexual activity	Section 22 of the Sexual Offences (Scotland) Act 2009
Causing a young child to look at a sexual image	Section 23 of the Sexual Offences (Scotland) Act 2009
Communicating indecently with a young child etc.	Section 24 of the Sexual Offences (Scotland) Act 2009
Sexual exposure to a young child	Section 25 of the Sexual Offences (Scotland) Act 2009
Voyeurism towards a young child	Section 26 of the Sexual Offences (Scotland) Act 2009
Having intercourse with an older child	Section 28 of the Sexual Offences (Scotland) Act 2009
Engaging in penetrative sexual activity with or towards an older child	Section 29 of the Sexual Offences (Scotland) Act 2009
Engaging in sexual activity with or towards an older child	Section 30 of the Sexual Offences (Scotland) Act 2009
Causing an older child to participate in sexual activity	Section 31 of the Sexual Offences (Scotland) Act 2009
Causing an older child to be present during a sexual activity	Section 32 of the Sexual Offences (Scotland) Act 2009
Causing an older child to look at a sexual image	Section 33 of the Sexual Offences (Scotland) Act 2009
Communicating indecently with an older child etc	Section 34 of the Sexual Offences (Scotland) Act 2009

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<i>Offence (Scotland)</i>	<i>Statutory provision or other law (Scotland)</i>
Sexual exposure to an older child	Section 35 of the Sexual Offences (Scotland) Act 2009
Voyeurism towards an older child	Section 36 of the Sexual Offences (Scotland) Act 2009
Older children engaging in sexual activity with each other	Section 37 of the Sexual Offences (Scotland) Act 2009
Sexual abuse of trust	Section 42 of the Sexual Offences (Scotland) Act 2009
Offences committed outside the United Kingdom: adult victims	Section 54D of the Sexual Offences (Scotland) Act 2009
Offences committed outside the United Kingdom: child victims	Section 55 of the Sexual Offences (Scotland) Act 2009
Threatening or abusive behaviour	Section 38 Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)
Offence of stalking	Section 39 of the Criminal Justice and Licensing (Scotland) Act 2010
Offence of stalking committed outside the United Kingdom	Section 39A of the Criminal Justice and Licensing (Scotland) Act 2010
Breach of forced marriage protection order	Section 9 of the Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011 (asp 15)
Breach of domestic abuse interdict with power of arrest	Section 2 of the Domestic Abuse (Scotland) Act 2011 (asp 13)
Offence of forced marriage or forced civil partnership	Section 122 of the Anti-social Behaviour, Crime and Policing Act 2014
Human Trafficking	Section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12)
Offence of female genital mutilation: extra-territorial acts	Section 70 of the Serious Crime Act 2015
Aggravation of offence where abuse of partner or ex-partner	Section 1 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22)
Disclosing, or threatening to disclose, an intimate photograph or film	Section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016
Any offence where the aggravation at section 1 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 has been proven	Abusive Behaviour and Sexual Harm (Scotland) Act 2016
Abusive behaviour towards partner or ex-partner	Section 1 of the Domestic Abuse (Scotland) Act 2018 (asp 5)
Breach of domestic abuse protection notice	Section 7 of the Domestic Abuse (Protection) (Scotland) Act 2021 (asp 16)
Breach of domestic abuse protection order or interim domestic abuse protection order	Section 17 of the Domestic Abuse (Protection) (Scotland) Act 2021

Table 3 – Offences under the law of Northern Ireland

<i>Offence (Northern Ireland)</i>	<i>Statutory provision or other law (Northern Ireland)</i>
Abducting a girl under 18 with intent to marry	Common Law
Affray	Common Law
Burglary with intent to commit rape	Common law
False imprisonment	Common Law
Kidnapping	Common Law
Murder/manslaughter (of a child)	Common law
Rape	Common law
Aiding, abetting, counselling, or procuring the commission of: (a) an indictable offence listed in this table; or (b) the offence of attempted murder	Section 8 of the Accessories and Abettors Act 1861
Conspiring or soliciting to commit murder	Section 4 of the Offences Against the Person Act 1861
Threats to kill	Section 16 of the Offences against the Person Act 1861
Shooting or attempting to shoot, or wounding, with intent to do grievous bodily harm	Section 18 of the Offences against the Person Act 1861
Inflicting bodily injury with or without weapon	Section 20 of the Offences against the Person Act 1861
Attempting to choke, etc. in order to commit any indictable offence	Section 21 of the Offences against the Person Act 1861
Using chloroform etc to commit or assist in the committing of any indictable offence	Section 22 of the Offences against the Person Act 1861
Maliciously administering poison, etc. so as to endanger life or inflict grievous bodily harm	Section 23 of the Offences against the Person Act 1861
Maliciously administering poison, etc. with intent to injure, aggrieve, or annoy any other person	Section 24 of the Offences against the Person Act 1861
Exposing children whereby life is endangered or health permanently injured	Section 27 of the Offences against the Person Act 1861
Causing gunpowder to explode or sending to any person an explosive substance, or throwing corrosive fluid on a person, with intent to do grievous bodily harm	Section 29 of the Offences against the Person Act 1861
Common assault and battery	Section 42 of the Offences against the Person Act 1861

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<i>Offence (Northern Ireland)</i>	<i>Statutory provision or other law (Northern Ireland)</i>
Assault occasioning bodily harm	Section 47 of the Offences against the Person Act 1861
Rape	Section 48 of the Offences against the Person Act 1861
Indecent assault on a woman (pre-2009)	Section 52 of the Offences against the Person Act 1861
Buggery	Section 61 of the Offences against the Persons Act 1861
Indecent assault on a man	Section 62 of the Offences against the Person Act 1861
Procurement of woman by threats (pre-2008)	Section 3(1) of the Criminal Law Amendment Act 1885 (c. 69)
Administering drugs to obtain or facilitate intercourse	Section 3(3) of the Criminal Law Amendment Act 1885
Intercourse with girl under 13	Section 4 of the Criminal Law Amendment Act 1885
Defilement of girl between 13 and 16 years of age	Section 5 of the Criminal Law Amendment Act 1885
Offence of infanticide	Section 1 of the Infanticide Act (Northern Ireland) 1939 (c. 5) (N.I)
Child destruction	Section 25 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15) (N.I)
Allowing persons under 16 to be in brothels	Section 14 of the Children and Young Persons Act (Northern Ireland) 1950 (c. 5) (N.I)
Causing or allowing persons under 16 to be used for begging	Section 15 of the Children and Young Persons Act (Northern Ireland) 1950
Giving intoxicating liquor to children under 5	Section 16 of the Children and Young Persons Act (Northern Ireland) 1950
Indecent assault with intent to commit rape (pre-2009)	Section 2 of the Attempted Rape, etc, Act (Northern Ireland) 1960 (c. 3)
Allowing persons under 16 to be in brothels	Section 3 of the Children and Young Persons Act (Northern Ireland) 1968 (c. 34) (N.I)
Cruelty to persons under sixteen	Section 20 of the Children and Young Persons Act (Northern Ireland) 1968
Indecent conduct towards young child	Section 22 of the Children & Young Persons Act (Northern Ireland) 1968
Causing or allowing persons under 16 to be used for begging	Section 24 of the Children and Young Persons Act (Northern Ireland) 1968
Giving intoxicating liquor to children under 5	Section 25 of the Children and Young Persons Act (Northern Ireland) 1968

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<i>Offence (Northern Ireland)</i>	<i>Statutory provision or other law (Northern Ireland)</i>
Theft	Section 1 of the Theft Act (Northern Ireland) 1969 (c. 16)
Burglary	Section 9 of the Theft Act (Northern Ireland) 1969
Blackmail	Section 20 of the Theft Act (Northern Ireland) 1969
Destroying or damaging property	Article 3 of the Criminal Damage (Northern Ireland) Order 1977 (S.I. 1977/426) (N.I. 4)
Threats to destroy or damage property	Article 4 of the Criminal Damage (Northern Ireland) Order 1977
Indecent photographs of children	Article 3 of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047) (N.I. 17)
Inciting girl under sixteen to have incestuous sexual intercourse	Article 9 of the Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704) (N.I. 6)
Attempting to commit an offence in relation to: (a) an indictable offence listed in this table; or (b) the offence of murder	Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (S.I. 1983/1120) (N.I. 13)
Abduction of child by parent	Article 3 of the Child Abduction (Northern Ireland) Order 1985 (S.I. 1985/1638) (N.I. 17)
Abduction of child by other persons	Article 4 of the Child Abduction (Northern Ireland) Order 1985
Offence of sending letters etc. with intent to cause distress or anxiety	Article 3 of the Malicious Communications (Northern Ireland) Order 1988 (S.I. 1988/1849) (N.I. 18)
Possession of indecent photographs of child	Article 15 of the Criminal Justice (Evidence etc.) (Northern Ireland) Order 1988 (S.I.1988/1847) (N.I. 17)
Abduction of children in care etc	Article 68 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755) (N.I. 2)
Intimidation, etc., of witnesses, jurors and others	Article 47 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160) (N.I. 24)
Intimidation by force threats or menaces	Section 1 of the Protection of the Person and Property Act (Northern Ireland) 1969 (c. 29)
Harassment	Article 4 of the Protection from Harassment (Northern Ireland) Order 1997 (S.I. 1997/1180) (N.I. 9)
Putting people in fear of violence	Article 6 of the Protection from Harassment (Northern Ireland) Order 1997

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<i>Offence (Northern Ireland)</i>	<i>Statutory provision or other law (Northern Ireland)</i>
Contravention of: - a non-molestation order; - (where a non-molestation order is in force) an occupation order or an order under Article 18; - an exclusion requirement including by virtue of Article 57A of the Children (Northern Ireland) Order 1995 in an interim care order made under Article 57 of that Order; or - an exclusion requirement included by virtue of Article 63A of the Children (Northern Ireland) Order 1995 in an emergency protection order made under Article 63 of that Order	Article 25(a) and (b) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998 (S.I. 1998/1071) (N.I. 6)
Abuse of position of trust	Section 3 of the Sexual Offences (Amendment) Act 2000 (c. 44)
Rape	Article 18 of the Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247) (N.I. 13)
Buggery	Article 19 of the Criminal Justice (Northern Ireland) Order 2003
Indecent assault on a man	Article 21 of the Criminal Justice (Northern Ireland) Order 2003
Improper use of public electronic communications network	Section 127 of the Communications Act 2003
Trafficking into the UK for sexual exploitation	Section 57 of the Sexual Offences Act 2003
Trafficking within the UK for sexual exploitation	Section 58 of the Sexual Offences Act 2003
Trafficking out of the UK for sexual exploitation	Section 59 of the Sexual Offences Act 2003
Female genital mutilation	Section 1 of the Female Genital Mutilation Act 2003
Assisting girl to mutilate own genitalia	Section 2 of the Female Genital Mutilation Act 2003
Assisting a non-UK person to mutilate overseas a girl's genitalia	Section 3 of the Female Genital Mutilation Act 2003
Breach of a Female Genital Mutilation protection order	Section 5A and paragraph 21 of Part 2 of Schedule 2 to the Female Genital Mutilation Act 2003
Trafficking people for exploitation	Section 4 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004
Breach of forced marriage protection order	Paragraph 7 of Part 2 of Schedule 1 to the Forced Marriage (Civil Protection) Act 2007 (c. 20)

<i>Offence (Northern Ireland)</i>	<i>Statutory provision or other law (Northern Ireland)</i>
Encouraging or assisting an offence (inchoate offences) in relation to: (a) an indictable offence listed in this table; or (b) the offence of murder	Sections 44 to 46 of the Serious Crime Act 2007
Possession of extreme pornographic images	Section 63 of the Criminal Justice and Immigration Act 2008
Rape	Article 5 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769) (N.I. 2)
Assault by penetration	Article 6 of the Sexual Offences (Northern Ireland) Order 2008
Sexual assault	Article 7 of the Sexual Offences (Northern Ireland) Order 2008
Causing a person to engage in sexual activity without consent	Article 8 of the Sexual Offences (Northern Ireland) Order 2008
Rape of a child under 13	Article 12 of the Sexual Offences (Northern Ireland) Order 2008
Assault of a child under 13 by penetration	Article 13 of the Sexual Offences (Northern Ireland) Order 2008
Sexual assault of a child under 13	Article 14 of the Sexual Offences (Northern Ireland) Order 2008
Causing or inciting a child under 13 to engage in sexual activity	Article 15 of the Sexual Offences (Northern Ireland) Order 2008
Sexual activity with a child	Article 16 of the Sexual Offences (Northern Ireland) Order 2008
Causing or inciting a child to engage in sexual activity	Article 17 of the Sexual Offences (Northern Ireland) Order 2008
Engaging in sexual activity in the presence of a child	Article 18 of the Sexual Offences (Northern Ireland) Order 2008
Causing a child to watch a sexual act	Article 19 of the Sexual Offences (Northern Ireland) Order 2008
Sexual offences against children committed by children or young persons	Article 20 of the Sexual Offences (Northern Ireland) Order 2008
Arranging or facilitating commission of a sex offence against a child	Article 21 of the Sexual Offences (Northern Ireland) Order 2008
Meeting a child following sexual grooming etc	Article 22 of the Sexual Offences (Northern Ireland) Order 2008
Sexual communication with a child	Article 22A of the Sexual Offences (Northern Ireland) Order 2008

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<i>Offence (Northern Ireland)</i>	<i>Statutory provision or other law (Northern Ireland)</i>
Communicating with a person with a view to grooming a particular child	Article 22B of the Sexual Offences (Northern Ireland) Order 2008
Communicating with a group with a view to grooming a particular child	Article 22C of the Sexual Offences (Northern Ireland) Order 2008
Abuse of position of trust: sexual activity with child	Article 23 of the Sexual Offences (Northern Ireland) Order 2008
Abuse of position of trust: causing or inciting a child to engage in sexual activity	Article 24 of the Sexual Offences (Northern Ireland) Order 2008
Abuse of position of trust: sexual activity in the presence of a child	Article 25 of the Sexual Offences (Northern Ireland) Order 2008
Abuse of position of trust: causing a child to watch a sexual act	Article 26 of the Sexual Offences (Northern Ireland) Order 2008
Sexual activity with a child family member	Article 32 of the Sexual Offences (Northern Ireland) Order 2008
Inciting a child of the family to engage in sexual activity	Article 33 of the Sexual Offences (Northern Ireland) Order 2008
Paying for sexual services of a child	Article 37 of the Sexual Offences (Northern Ireland) Order 2008
Causing or inciting child prostitution or pornography	Article 38 of the Sexual Offences (Northern Ireland) Order 2008
Controlling a child prostitute or a child involved in pornography	Article 39 of the Sexual Offences (Northern Ireland) Order 2008
Arranging or facilitating child pornography	Article 40 of the Sexual Offences (Northern Ireland) Order 2008
Causing or inciting prostitution for gain	Article 62 of the Sexual Offences (Northern Ireland) Order 2008
Controlling prostitution for gain	Article 63 of the Sexual Offences (Northern Ireland) Order 2008
Administering a substance with intent to commit a sexual offence	Article 65 of the Sexual Offences (Northern Ireland) Order 2008
Committing an offence with intent to commit a sexual offence	Article 66 of the Sexual Offences (Northern Ireland) Order 2008
Trespass with intent to commit a sexual offence	Article 67 of the Sexual Offences (Northern Ireland) Order 2008
Voyeurism	Article 71 of the Sexual Offences (Northern Ireland) Order 2008
Voyeurism: additional offences (genitals and buttocks)	Article 71A of the Sexual Offences (Northern Ireland) Order 2008
Voyeurism: additional offences (breasts)	Article 71B of the Sexual Offences (Northern Ireland) Order 2008

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<i>Offence (Northern Ireland)</i>	<i>Statutory provision or other law (Northern Ireland)</i>
Sending etc an unwanted sexual image	Article 72A of the Sexual Offences (Northern Ireland) Order 2008
Possession of prohibited images of children	Section 62 of the Coroners and Justice Act 2009
Slavery, servitude and forced or compulsory labour	Section 1 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2)
Human trafficking	Section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015
Committing offence with intent to commit offence under section 1 or 2 of the Act	Section 4 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015
Offence of forced marriage	Section 16 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015
Disclosing private sexual photographs and films with intent to cause distress	Section 51 of the Justice Act (Northern Ireland) 2016 (c. 21)
Offence of domestic abuse	Section 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (c. 2)
Offence of non-fatal strangulation or asphyxiation	Section 28 of the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19)
Offence of stalking	Section 1 of the Protection from Stalking Act (Northern Ireland) 2022 (c. 17)
Offence of threatening or abusive behaviour	Section 2 of the Protection from Stalking Act (Northern Ireland) 2022
Offence of breaching order	Section 13 of the Protection from Stalking Act (Northern Ireland) 2022

SCHEDULE 2

Regulation 3

Protective injunctions

Table 1 – Protective injunctions and other orders under the law of England and Wales

<i>Protective injunctions (England and Wales)</i>	<i>Statutory provision or other law (England and Wales)</i>
Injunction	Common law
Occupation order	Sections 33, 35, 36, 37 or 38 of the Family Law Act 1996

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<i>Protective injunctions (England and Wales)</i>	<i>Statutory provision or other law (England and Wales)</i>
Non-molestation order	Section 42 of the Family Law Act 1996
Forced marriage protection order or interim forced marriage protection order	Section 63A of the Family Law Act 1996
Injunction	Section 3A of the Protection from Harassment Act 1997
Restraining order	Section 5A of the Protection from Harassment Act 1997
Female genital mutilation protection order	Paragraph 1 of Schedule 2 to the Female Genital Mutilation Act 2003
Sexual harm prevention order	Section 103A of the Sexual Offences Act 2003
Service restraining order	Section 229 of the Armed Forces Act 2006
Violent offender order	Section 98 of the Criminal Justice and Immigration Act 2008 (c. 4)
Domestic violence protection order	Section 28 of the Crime and Security Act 2010 (c. 17)
Stalking protection order or interim stalking protection order	Section 1 or 5 of the Stalking Protection Act 2019
Criminal behaviour order	Section 330 of the Sentencing Act 2020 (c. 17)
Sexual harm prevention order	Sections 343 and 345 of the Sentencing Act 2020
Restraining order	Sections 359 and 360 of the Sentencing Act 2020
Domestic abuse protection order	Section 28 or 31 of the Domestic Abuse Act 2021

Table 2 – Protective interdicts and other orders under the law of Scotland

<i>Protective interdicts (Scotland)</i>	<i>Statutory provision or other law (Scotland)</i>
Common law interdict	Common law
Exclusion order	Section 4 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c. 59)
Matrimonial interdict	Section 14 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981
Domestic interdict	Section 18A of the Matrimonial Homes (Family Protection) (Scotland) Act 1981
Non-harassment order	Section 234A of the Criminal Procedure (Scotland) Act 1995
Non-harassment order	Section 8 or 8A of the Protection from Harassment Act 1997
Exclusion order	Section 104 of the Civil Partnership Act 2004 (c. 33)

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<i>Protective interdicts (Scotland)</i>	<i>Statutory provision or other law (Scotland)</i>
Interdict for civil partners	Section 114 of the Civil Partnership Act 2004
Female genital mutilation protection order	Section 5A of the Prohibition of Female Genital Mutilation (Scotland) Act 2005
Risk of sexual harm order	Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005
Service restraining order	Section 229 of the Armed Forces Act 2006
Forced marriage protection order or interim forced marriage protection order	Section 1 or 5 of the Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011
Interdict that has been determined to be a domestic abuse interdict	Section 3 of the Domestic Abuse (Scotland) Act 2011

Table 3 – Protective injunctions and other orders under the law of Northern Ireland

<i>Protective injunctions (Northern Ireland)</i>	<i>Statutory provision or other law (Northern Ireland)</i>
Injunction	Common law
Restraining injunction	Article 5 of the Protection from Harassment (Northern Ireland) Order 1997
Restraining order	Article 7 or 7A of the Protection from Harassment (Northern Ireland) Order 1997
Occupation order	Articles 11 or 13 to 16 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998
Non-molestation order	Article 20 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998
Female genital mutilation protection order	Paragraph 18 of Part 2 of Schedule 2 to the Female Genital Mutilation Act 2003
Sexual offences prevention order	Section 104 of the Sexual Offences Act 2003
Risk of sexual harm order	Section 123 of the Sexual Offences Act 2003
Service restraining order	Section 229 of the Armed Forces Act 2006
Forced marriage protection order or interim forced marriage protection order	Section 2 and paragraph 1 of Schedule 1 to the Forced Marriage (Civil Protection) Act 2007
Violent offences prevention order	Sections 55 to 57 of the Justice Act (Northern Ireland) 2015 (c. 9)
Stalking protection order or interim stalking protection order	Sections 7 or 11 of the Protection from Stalking Act (Northern Ireland) 2022

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SCHEDULE 3

Regulation 4

Specified evidence

Interpretation

1. For the purposes of this Schedule—

“A” means the person who committed, or was alleged to have committed, domestic abuse against B;

“appropriate health professional” means—

- (a) a medical practitioner licensed to practise by the General Medical Council;
- (b) a health professional who is registered to practise in the United Kingdom by—
 - (i) the Nursing and Midwifery Council;
 - (ii) the General Dental Council; or
- (c) a paramedic, practitioner psychologist, radiographer or social worker registered to practise in the United Kingdom by the Health and Care Professions Council;

“B” means the person who was the victim, or alleged victim, of domestic abuse committed by A;

“expert report” means a report by a person qualified to give expert advice on all or most of the matters that are the subject of the report;

“housing association” has the same meaning as in section 1(1) of the Housing Associations Act 1985(4);

“local authority” means—

- (a) in relation to England, a county council, district council, a London borough council, the Court of Common Council of the City of London, or the Council of the Isles of Scilly;
- (b) in relation to Wales, a county council, county borough council or community council; or
- (c) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(5); or
- (d) in relation to Northern Ireland, a district council established in accordance with section 1 of the Local Government Act (Northern Ireland) 1972(6);

“protective injunction” means an injunction, order or interdict specified in Schedule 2 to these Regulations;

“public authority” has the same meaning as in section 6 of the Human Rights Act 1998(7);

“refuge” means—

- (a) a refuge established for the purpose of providing accommodation for victims of, or those at risk of, domestic abuse; or
- (b) a residential home established and maintained by a public body for any other purpose that also provides accommodation to the victims of, or those at risk of, domestic abuse.

Evidence

2. Evidence of a court order binding over A in connection with a specified offence.

(4) 1985 c. 69

(5) 1994 c. 39

(6) 1972 c. 9

(7) 1998 c. 42

3. A domestic violence protection notice issued and currently in force against A for the protection of B under section 24 of the Crime and Security Act 2010⁽⁸⁾.

4. A domestic abuse protection notice issued and currently in force against A for the protection of B under section 22 of the Domestic Abuse 2021⁽⁹⁾.

5. An undertaking given in England and Wales under section 46 or 63E of the Family Law Act 1996⁽¹⁰⁾ (or given in Scotland or Northern Ireland in place of a protective interdict or injunction) by A for the protection of B, provided that a cross-undertaking relating to domestic abuse was not given by B.

6. A copy of a finding of fact, made in proceedings in the United Kingdom, that there has been domestic abuse between A and B.

7. An expert report produced as evidence in proceedings in the United Kingdom for the benefit of a court or tribunal confirming that B was assessed as being a victim of domestic abuse by A.

8. A letter or report from an appropriate health professional confirming that that professional, or another appropriate health professional—

(1) has examined B in person, following a report of domestic abuse by A; and

(2) in the reasonable professional judgement of the author or the examining appropriate health professional, B has, or has had, injuries or a condition consistent with being a victim of domestic abuse.

9. A letter or report from—

(1) the appropriate health professional who made the referral described below;

(2) an appropriate health professional who has access to the medical records of B; or

(3) the person to whom the referral described below was made;

confirming that there was a referral by an appropriate health professional of B, following a report of domestic abuse by A, to a person who provides specialist support or assistance for victims of, or those at risk of, domestic abuse.

10. A letter from any person who is a member of a multi-agency risk assessment conference (or other suitable local safeguarding forum) confirming that B has experienced domestic abuse by A.

11. A letter from an independent domestic violence advisor confirming that they are providing, or have provided, support to B, following a report of domestic abuse by A.

12. A letter from an independent sexual violence advisor confirming that they are providing, or have provided, support to B relating to domestic abuse of a sexual nature by A.

13. A letter from an officer employed by a local authority or housing association (or their equivalent in Scotland or Northern Ireland) for the purpose of supporting tenants containing—

(1) a statement to the effect that, in their reasonable professional judgement, B is a victim of domestic abuse by A;

(2) a description of the matters relied upon to support that judgement; and

(3) a description of the support they provided to B.

14.—(1) A letter from an organisation providing domestic violence or support services.

(2) The letter must confirm that the organisation—

(a) is situated in the United Kingdom;

⁽⁸⁾ 2010 c. 17

⁽⁹⁾ 2021 c. 17

⁽¹⁰⁾ 1996 c. 27

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- (b) has been operating for an uninterrupted period of 6 months or more; and
 - (c) provided B with support in relation to their needs as a victim of domestic abuse by A.
- (3) The letter must contain—
- (a) a statement to the effect that, in the reasonable professional judgement of the author of the letter, B is a victim of domestic abuse by A;
 - (b) a description of the matters relied upon to support that judgement;
 - (c) a description of the support provided to B; and
 - (d) a statement of the reasons why B needed that support.
- 15.** A letter or report from an organisation providing domestic abuse support services in the United Kingdom confirming—
- (1) that B was refused admission to a refuge;
 - (2) the date on which B was refused admission to the refuge; and
 - (3) that B sought admission to the refuge because of allegations of abuse by A.
- 16.** A letter from a public authority confirming that B was assessed as being a victim of domestic abuse by A (or a copy of that assessment).
- 17.** Evidence which the court is satisfied demonstrates that B has been the victim of domestic abuse by A in the form of abuse which relates to economic matters.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 65 and 66 of the Domestic Abuse Act 2021 (c. 17) introduce new Part 4A into the Matrimonial and Family Proceedings Act 1984 and new Part 7A into the Courts Act 2003, respectively. Those provisions operate in family and civil proceedings to prohibit cross-examination in person between a party and a witness in defined circumstances, including where there is evidence of domestic abuse between them. The prohibition will apply automatically where there has been a conviction, charge (applicable in family proceedings only) or caution for a specified offence, where an on-notice protective injunction is in force between the party and witness or where there is other specified evidence of domestic abuse.

These Regulations specify the types of offences, protective injunctions and forms of evidence which will trigger the automatic prohibition of cross-examination in person between the party and witness.

Regulation 2 introduces Schedule 1 to the Regulations which contains a list of the specified offences, under the law of England and Wales (table 1), Scotland (table 2) and Northern Ireland (table 3).

Regulation 3 introduces Schedule 2 to the Regulations which contains a list of the specified protective injunctions, orders and interdicts under the law of England and Wales (table 1), Scotland (table 2) and Northern Ireland (table 3).

Regulation 4(1) introduces Schedule 3 to the Regulations which contains a list of the forms of evidence of domestic abuse which are specified. Regulation 4(2) requires that the evidence show that there has been domestic abuse between the party and the witness.

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A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.