

## **EXPLANATORY NOTES**

### **DOMESTIC VIOLENCE, CRIME AND VICTIMS ACT 2004**

#### **INTRODUCTION**

#### **SUMMARY AND BACKGROUND**

#### **TERRITORIAL EXTENT**

#### **COMMENTARY ON SECTIONS**

##### **PART 1: DOMESTIC VIOLENCE ETC**

Section 1: Breach of non-molestation order to be a criminal offence

Section 2: Additional considerations if parties are cohabitants or former cohabitants

Section 3: “Cohabitants” in Part 4 of the Family Law Act 1996 to include same-sex couples

Section 4: Extension of Part 4 of 1996 Act to non-cohabiting couples

Section 5: Causing or allowing the death of a child or vulnerable adult: the offence

Section 6: Evidence and procedure: England and Wales

Section 7: Evidence and procedure: Northern Ireland

Section 8: Evidence and procedure: courts martial

Section 9: Establishment and conduct of reviews

##### **PART 2: CRIMINAL JUSTICE**

Section 10: common assault to be an arrestable offence

Section 11: Common assault etc as alternative verdict

Section 12: Restraining orders: England and Wales

Section 13: Restraining Orders: Northern Ireland

Section 14: Surcharge payable on conviction

Section 15: Increase in maximum on-the-spot penalty for disorderly behaviour

Section 16: Higher fixed penalty for repeated road traffic offences

Section 17: Application by prosecution for certain counts to be tried without a jury

Section 18: Procedure for applications under section 17

Section 19: Effect of order under section 17(2)

Section 20: Rules of court

Section 21: Applications of sections 17 to 20 to Northern Ireland

Section 22: Procedure for determining fitness to plead: England and Wales

Section 23: Procedure for determining fitness to plead: Northern Ireland

Section 24: Powers of court on finding of insanity or unfitness to plead etc.

Section 25: Appeal against order made on finding of insanity or unfitness to plead etc

Section 26: court-martial provisions

Section 27: Powers of authorised officers executing warrants

Section 28: Disclosure orders for purpose of executing warrants

Section 29: Procedure on breach of community penalty etc

Section 30: Prosecution appeals

Section 31: Intermittent custody

### **PART 3: VICTIMS ETC**

Section 32: Codes of practice for victims

Section 33: Procedure

Section 34: Effect of non-compliance

Section 35: Victims rights to make representation and receive information

Sections 36 - 44

#### **Hospital orders**

Section 36: Victims' rights: preliminary

Section 37: Representations

Section 38: Information

#### **Hospital direction**

Section 39: Victims' rights: preliminary

Section 40: Representations

Section 41: Information

**Transfer directions**

Section 42: Victims' rights: preliminary

Section 43: Representations

Section 44: Information

Section 45: Interpretation: sections 35 to 44

**Northern Ireland**

Section 46: Victims of mentally disordered persons

Section 47: Investigations by the Parliamentary Commissioner

Section 48: Commissioner for Victims and Witnesses

Section 49: General functions of the Commissioner

Section 50: Advice

Section 51: Restrictions on exercise of functions

Section 52: Victims and Witnesses

Section 53: Authorities within the Commissioner's remit

Section 54: Disclosure of information

Section 55: Victims' Advisory Panel

Section 56: Grants for assisting victims, witnesses etc

Section 57: Recovery of criminal injuries compensation from offenders

**PART 4: SUPPLEMENTARY**

Section 58: Amendments and Repeals

Section 61: Orders

Section 62: Extent

**COMMENCEMENT**

**HANSARD REFERENCES**