



2021 CHAPTER 2

PART 1

Domestic abuse: offence and aggravation

CHAPTER 1

Offence of domestic abuse

Course of abusive behaviour

The domestic abuse offence

1.—(1) A person (“A”) commits an offence if—

- (a) A engages in a course of behaviour that is abusive of another person (“B”),
- (b) A and B are personally connected to each other at the time, and
- (c) both of the further conditions are met.

(2) The further conditions are—

- (a) that a reasonable person would consider the course of behaviour to be likely to cause B to suffer physical or psychological harm, and
- (b) that A—
 - (i) intends the course of behaviour to cause B to suffer physical or psychological harm, or
 - (ii) is reckless as to whether the course of behaviour causes B to suffer physical or psychological harm.

(3) The references in this section to psychological harm include fear, alarm and distress.

(4) The offence under this section is to be known as the domestic abuse offence.

What amounts to abusive behaviour

2.—(1) This section contains provision for determining for the purposes of this Chapter when behaviour of a person (“A”) is abusive of another person (“B”).

(2) Behaviour that is abusive of B includes (in particular)—

- (a) behaviour directed at B that is violent,
- (b) behaviour directed at B that is threatening,
- (c) behaviour directed at B, at a child of B or at someone else that—
 - (i) has as its purpose (or among its purposes) one or more of the relevant effects, or
 - (ii) would be considered by a reasonable person to be likely to have one or more of the relevant effects.

(3) The relevant effects are of—

- (a) making B dependent on, or subordinate to, A,
- (b) isolating B from friends, family members or other sources of social interaction or support,
- (c) controlling, regulating or monitoring B’s day-to-day activities,
- (d) depriving B of, or restricting B’s, freedom of action,
- (e) making B feel frightened, humiliated, degraded, punished or intimidated.

(4) In subsection (2)—

- (a) the reference in paragraph (a) to violent behaviour includes both sexual violence and physical violence,
- (b) in paragraph (c), “child” means a person under 18 years of age.

(5) None of the paragraphs of subsection (2) or (as the case may be) (3) is to be taken to limit the meaning of any of the other paragraphs of that subsection.

Impact of behaviour on victim

3.—(1) The domestic abuse offence can be committed whether or not A’s behaviour actually causes B to suffer harm of the sort referred to in section 1(2).

(2) A’s behaviour can be abusive of B by virtue of section 2(2)(c) whether or not A’s behaviour actually has one or more of the relevant effects set out in section 2(3).

(3) Nothing in this Chapter prevents evidence from being led in proceedings for the domestic abuse offence about—

- (a) harm actually suffered by B as a result of A's behaviour,
 - (b) effects which A's behaviour actually had on B.
- (4) In this section, "A" and "B" are as referred to in section 1 or (as the case may be) 2.

Meaning of behaviour etc.

- 4.—(1) This section has effect for the purposes of this Chapter.
- (2) Behaviour is behaviour of any kind, including (for example)—
- (a) saying or otherwise communicating something as well as doing something,
 - (b) intentionally failing—
 - (i) to do something, or
 - (ii) to say or otherwise communicate something.
- (3) Behaviour is directed at a person if it is directed at the person in any way, including (for example)—
- (a) through—
 - (i) conduct relating to the person's ability to acquire, use or maintain money or other property or the person's ability to obtain goods or services, or
 - (ii) other conduct concerning or towards property, or
 - (b) by making use of a third party,
- as well as in a personal or direct manner.
- (4) A course of behaviour involves behaviour on at least two occasions.