



2021 CHAPTER 2

PART 1

Domestic abuse: offence and aggravation

CHAPTER 2

Aggravation as to domestic abuse

Sentencing aggravation

What amounts to the aggravation

16.—(1) For the purposes of section 15, an offence committed by a person (“A”) is aggravated by reason of involving domestic abuse if the three listed conditions are met.

(2) The listed conditions are—

(a) that a reasonable person would consider the commission of the offence by A to be likely to cause another person (“B”) to suffer physical or psychological harm,

(b) that A—

(i) intends the commission of the offence to cause B to suffer physical or psychological harm, or

(ii) is reckless as to whether the commission of the offence causes B to suffer physical or psychological harm, and

(c) that A and B are personally connected to each other at the time.

(3) An offence committed by A can be aggravated by virtue of this section whether or not—

- (a) the offence is committed against B, or
 - (b) the commission of the offence actually causes B to suffer harm of the relevant sort.
- (4) Nothing in this section prevents evidence from being led in proceedings for the offence about harm actually suffered by B as a result of A's commission of the offence.
- (5) The references in this section to psychological harm include fear, alarm and distress.