



# Domestic Violence, Crime and Victims Act 2004

## 2004 CHAPTER 28

### PART 1

#### DOMESTIC VIOLENCE ETC

##### *Domestic homicide reviews*

#### **9 Establishment and conduct of reviews**

- (1) In this section “domestic homicide review” means a review of the circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by—
  - (a) a person to whom he was related or with whom he was or had been in an intimate personal relationship, or
  - (b) a member of the same household as himself,held with a view to identifying the lessons to be learnt from the death.
- (2) The Secretary of State may in a particular case direct a specified person or body within subsection (4) to establish, or to participate in, a domestic homicide review.
- (3) It is the duty of any person or body within subsection (4) establishing or participating in a domestic homicide review (whether or not held pursuant to a direction under subsection (2)) to have regard to any guidance issued by the Secretary of State as to the establishment and conduct of such reviews.

[<sup>F1</sup>(3A) Any reference in subsection (2) or (3) to the Secretary of State shall, in relation to persons and bodies within subsection (4)(b), be construed as a reference to the Department of Justice in Northern Ireland.]

[<sup>F2</sup>(3B) A person or body within subsection (4)(a) that establishes a domestic homicide review (whether or not held pursuant to a direction under subsection (2)) must send

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a copy of any report setting out the conclusions of the review to the Domestic Abuse Commissioner.

(3C) The copy must be sent as soon as reasonably practicable after the report is completed.]

(4) The persons and bodies within this subsection are—

(a) in relation to England and Wales—

chief officers of police for police areas in England and Wales;  
 local authorities;  
 local probation boards established under section 4 of the Criminal Justice and Court Services Act 2000 (c. 43);  
 [F3NHS England];  
 [F4integrated care boards established under section 14Z25 of the National Health Service Act 2006];  
 [F5providers of probation services];  
 F6  
 ...  
 F7  
 ...  
 Local Health Boards established under [F8section 11 of the National Health Service (Wales) Act 2006];  
 NHS trusts established under [F9section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006];

(b) in relation to Northern Ireland—

the Chief Constable of the Police Service of Northern Ireland;  
 the Probation Board for Northern Ireland;  
 F10  
 ...  
 [F11Health and Social Care trusts] established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)).

(5) In subsection (4)(a) “local authority” means—

(a) in relation to England, the council of a district, county or London borough, the Common Council of the City of London and the Council of the Isles of Scilly;  
 (b) in relation to Wales, the council of a county or county borough.

(6) The Secretary of State may [F12, in relation to England and Wales,] by order amend subsection [F13(4)(a)] or (5).

[F14(7) The Department of Justice in Northern Ireland may, in relation to Northern Ireland, by order amend subsection (4)(b).]

#### Textual Amendments

- F1** S. 9(3A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 85(2)** (with arts. 28-31); S.I. 2010/977, art. 1(2)
- F2** S. 9(3B)(3C) inserted (1.11.2021) by Domestic Abuse Act 2021 (c. 17), **ss. 17(2)**, 90(6); S.I. 2021/1038, reg. 3(b)
- F3** Words in s. 9 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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- F4** Words in s. 9(4)(a) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 81**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F5** Words in s. 9(4)(a) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), arts. 1, 3, **Sch. 1 para. 20(2)**
- F6** Words in s. 9(4)(a) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 126(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F7** Words in s. 9(4)(a) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 126(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** Words in s. 9(4)(a) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), **Sch. 1 para. 263(c)** (with Sch. 3 Pt. 1)
- F9** Words in s. 9(4)(a) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8(2), **Sch. 1 para. 263(d)** (with Sch. 3 Pt. 1)
- F10** Words in s. 9(4)(b) omitted (N.I.) (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 208(a)**; S.R. 2022/102, **art. 2(b)**; and (E.W.) (30.11.2022) by The Health and Social Care Act (Northern Ireland) 2022 (Consequential Amendments) Order 2022 (S.I. 2022/1174), arts. 1(2), **21(a)**
- F11** Words in s. 9(4)(b) substituted (N.I.) (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 208(b)**; S.R. 2022/102, **art. 2(b)**; and (E.W.) (30.11.2022) by The Health and Social Care Act (Northern Ireland) 2022 (Consequential Amendments) Order 2022 (S.I. 2022/1174), arts. 1(2), **21(b)**
- F12** Words in s. 9(6) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 85(3)(a)** (with arts. 28-31); S.I. 2010/977, art. 1(2)
- F13** Words in s. 9(6) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 85(3)(b)** (with arts. 28-31); S.I. 2010/977, art. 1(2)
- F14** S. 9(7) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 85(4)** (with arts. 28-31); S.I. 2010/977, art. 1(2)

#### Commencement Information

- I1** S. 9 in force at 13.4.2011 for E.W. by S.I. 2011/1008, **art. 2**
- I2** S. 9 in force at 10.12.2020 for N.I. by S.I. 2020/1465, **art. 2**

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**Changes and effects yet to be applied to :**

- s. 9(4)(a) words omitted by [2012 c. 7 Sch. 14 para. 95](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 9 para. 26A inserted by [2015 c. 2 Sch. 3 para. 12](#)