

Domestic Abuse Act 2021

CHAPTER 17

DOMESTIC ABUSE ACT 2021

PART 1

DEFINITION OF "DOMESTIC ABUSE"

- 1
- Definition of "domestic abuse" Definition of "personally connected" 2
- 3 Children as victims of domestic abuse

PART 2

THE DOMESTIC ABUSE COMMISSIONER

Domestic Abuse Commissioner

- Appointment of Commissioner 4
- 5 Funding
- 6 Staff etc

Functions of Commissioner

- General functions of Commissioner 7
- 8 Reports
- 9 Advice and assistance
- 10 Incidental powers

Framework document

11 Framework document

Advisory Board

12 Advisory Board

Strategic plans and annual reports

- 13 Strategic plans
- 14 Annual reports

Duties of public authorities in relation to Commissioner

- 15 Duty to co-operate with Commissioner
- 16 Duty to respond to Commissioner's recommendations
- 17 Duty to send conclusions of domestic homicide review to Commissioner

Disclosure of information

18 Disclosure of information

Miscellaneous and supplementary

- 19 Restriction on exercise of functions in individual cases
- 20 Duty to report on domestic abuse services in England
- 21 Amendments relating to Commissioner

PART 3

POWERS FOR DEALING WITH DOMESTIC ABUSE

Domestic abuse protection notices

- 22 Power to give a domestic abuse protection notice
- 23 Provision that may be made by notices
- 24 Matters to be considered before giving a notice
- 25 Further requirements in relation to notices
- 26 Breach of notice

Domestic abuse protection orders

- 27 Meaning of "domestic abuse protection order"
- 28 Domestic abuse protection orders on application
- 29 Applications where domestic abuse protection notice has been given
- 30 Remand under section 29(8) of person arrested for breach of notice
- 31 Domestic abuse protection orders otherwise than on application
- 32 Conditions for making an order
- 33 Matters to be considered before making an order
- 34 Making of orders without notice
- 35 Provision that may be made by orders
- 36 Further provision about requirements that may be imposed by orders
- 37 Further provision about electronic monitoring requirements
- 38 Duration and geographical application of orders
- 39 Breach of order
- 40 Arrest for breach of order
- 41 Notification requirements
- 42 Further provision about notification under section 41
- 43 Offences relating to notification
- 44 Variation and discharge of orders

- 45 Variation and discharge: supplementary
- 46 Appeals
- 47 Further provision about appeals
- 48 Nature of certain proceedings under this Part
- 49 Special measures for witnesses

Notices and orders: supplementary

- 50 Guidance
- 51 Data from electronic monitoring: code of practice
- 52 Powers to make other orders in proceedings under this Part
- 53 Proceedings not to be subject to conditional fee agreements
- 54 Consequential amendments of the Sentencing Code
- 55 Repeal of provisions about domestic violence protection notices and orders
- 56 Interpretation of Part 3

PART 4

LOCAL AUTHORITY SUPPORT

- 57 Support provided by local authorities to victims of domestic abuse
- 58 Domestic abuse local partnership boards
- 59 Annual reports
- 60 Guidance
- 61 Interpretation of Part 4

PART 5

PROTECTION FOR VICTIMS, WITNESSES, ETC IN LEGAL PROCEEDINGS

Special measures

- 62 Special measures in criminal proceedings for offences involving domestic abuse
- 63 Special measures in family proceedings: victims of domestic abuse
- 64 Special measures in civil proceedings: victims of domestic abuse etc

Prohibition of cross-examination in person

- 65 Prohibition of cross-examination in person in family proceedings
- 66 Prohibition of cross-examination in person in civil proceedings

Orders under section 91(14) of the Children Act 1989

67 Orders under section 91(14) of the Children Act 1989

PART 6

OFFENCES INVOLVING ABUSIVE OR VIOLENT BEHAVIOUR

Controlling or coercive behaviour

68 Controlling or coercive behaviour in an intimate or family relationship

Disclosure of private sexual photographs and films

69 Threats to disclose private sexual photographs and films with intent to cause distress

Offences against the person

- 70 Strangulation or suffocation
- 71 Consent to serious harm for sexual gratification not a defence

Offences committed outside the UK

- 72 Offences against the person committed outside the UK: England and Wales
- 73 Offences against the person committed outside the UK: Northern Ireland
- 74 Amendments relating to offences committed outside the UK

PART 7

MISCELLANEOUS AND GENERAL

Prosecution and management of offenders

- 75 Strategy for prosecution and management of offenders
- 76 Polygraph conditions for offenders released on licence

Disclosure of information by police

77 Guidance about the disclosure of information by police forces

Homelessness

78 Homelessness: victims of domestic abuse

Secure tenancies

79 Grant of secure tenancies in cases of domestic abuse

Medical evidence of domestic abuse

80 Prohibition on charging for the provision of medical evidence of domestic abuse

Data processing for immigration purposes

- 81 Review of processing of victims' personal data for immigration purposes
- 82 Code of practice

Contact centres

83 Report on the use of contact centres in England

Guidance

84 Power of Secretary of State to issue guidance about domestic abuse, etc

Powers to make consequential or transitional provision, etc

- 85 Power to make consequential amendments
- 86 Power to make transitional or saving provision

Final provisions

- 87 Regulations
- 88 Financial provision
- 89 Extent
- 90 Commencement
- 91 Short title

SCHEDULES

SCHEDULE 1 — Further provision about remand under section 40

- 1 Introductory
- 2 Remand in custody or on bail
- 3 (1) Where P is remanded on bail, the court may...
- 4 (1) The court may not remand P for a period...
- 5 Remand for medical examination and report
- 6 Further remand
- 7 Postponement of taking of recognizance
- 8 Requirements imposed on remand on bail

SCHEDULE 2 — Strangulation or suffocation: consequential amendments

- 1 Police and Criminal Evidence Act 1984
- 2 Housing Act 1985
- 3 Criminal Justice and Public Order Act 1994
- 4 Crime and Disorder Act 1998
- 5 Youth Justice and Criminal Evidence Act 1999
- 6 Sexual Offences Act 2003
- 7 Criminal Justice Act 2003
- 8 Domestic Violence, Crime and Victims Act 2004
- 9 Children Act 2004
- 10 Criminal Justice and Immigration Act 2008
- 11 Modern Slavery Act 2015
- 12 Sentencing Act 2020

1

SCHEDULE 3 — Amendments relating to offences committed outside the UK PART 1 — ENGLAND AND WALES

- Protection from Harassment Act 1997
- 2 Sexual Offences Act 2003
- 3 Serious Crime Act 2015
 - PART 2 SCOTLAND
- 4 Criminal Procedure (Scotland) Act 1995
- 5 Sexual Offences (Scotland) Act 2009 (asp 9)
- 6 Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)
 PART 3 NORTHERN IRELAND
- 7 Protection from Harassment (Northern Ireland) Order 1997 (S.I. 1997/1180 (N.I. 9))
- 8 Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2))