



Domestic Abuse Act 2021

2021 CHAPTER 17

PART 3

POWERS FOR DEALING WITH DOMESTIC ABUSE

Domestic abuse protection notices

22 Power to give a domestic abuse protection notice

- (1) A senior police officer may give a domestic abuse protection notice to a person (“P”) if conditions A and B are met.
- (2) A domestic abuse protection notice is a notice prohibiting P from being abusive towards a person aged 16 or over to whom P is personally connected.

(Section 23 contains further provision about the provision that may be made by notices.)
- (3) Condition A is that the senior police officer has reasonable grounds for believing that P has been abusive towards a person aged 16 or over to whom P is personally connected.
- (4) Condition B is that the senior police officer has reasonable grounds for believing that it is necessary to give the notice to protect that person from domestic abuse, or the risk of domestic abuse, carried out by P.
- (5) It does not matter whether the abusive behaviour referred to in subsection (3) took place in England and Wales or elsewhere.
- (6) A domestic abuse protection notice may not be given to a person who is under the age of 18.
- (7) A domestic abuse protection notice has effect in all parts of the United Kingdom.
- (8) In this Part—

“senior police officer” means a member of a relevant police force who is a constable of at least the rank of inspector;

- “relevant police force” means—
- (a) a force maintained by a local policing body;
 - (b) the British Transport Police Force;
 - (c) the Ministry of Defence Police.

23 Provision that may be made by notices

- (1) A domestic abuse protection notice may provide that the person to whom the notice is given (“P”)—
- (a) may not contact the person for whose protection the notice is given;
 - (b) may not come within a specified distance of any premises in England or Wales in which that person lives.

“Specified” means specified in the notice.

- (2) If P lives in premises in England or Wales in which the person for whose protection the notice is given also lives, the notice may also contain provision—
- (a) prohibiting P from evicting or excluding that person from the premises;
 - (b) prohibiting P from entering the premises;
 - (c) requiring P to leave the premises.

24 Matters to be considered before giving a notice

- (1) Before giving a domestic abuse protection notice to a person (“P”), a senior police officer must, among other things, consider the following—
- (a) the welfare of any person under the age of 18 whose interests the officer considers relevant to the giving of the notice (whether or not that person and P are personally connected);
 - (b) the opinion of the person for whose protection the notice would be given as to the giving of the notice;
 - (c) any representations made by P about the giving of the notice;
 - (d) in a case where the notice includes provision relating to premises lived in by the person for whose protection the notice would be given, the opinion of any relevant occupant as to the giving of the notice.
- (2) In subsection (1)(d) “relevant occupant” means a person other than P or the person for whose protection the notice would be given—
- (a) who lives in the premises, and
 - (b) who is personally connected to—
 - (i) the person for whose protection the notice would be given, or
 - (ii) if P also lives in the premises, P.
- (3) The officer must take reasonable steps to discover the opinions mentioned in subsection (1).
- (4) It is not necessary for the person for whose protection a domestic abuse protection notice is given to consent to the giving of the notice.

25 Further requirements in relation to notices

- (1) A domestic abuse protection notice must be in writing.

- (2) A domestic abuse protection notice given to a person (“P”) must state—
 - (a) the grounds on which it has been given,
 - (b) that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the notice,
 - (c) that an application for a domestic abuse protection order under section 28 will be heard by a magistrates’ court within 48 hours of the time of giving the notice (disregarding any days mentioned in section 29(3)) and a notice of the hearing will be given to P,
 - (d) that the notice continues in effect until that application has been determined or withdrawn, and
 - (e) the provision that a magistrates’ court may include in a domestic abuse protection order.
- (3) The notice must be served on P personally by a constable.
- (4) On serving the notice on P, the constable must ask P for an address at which P may be given the notice of the hearing of the application for the domestic abuse protection order.
- (5) Subsection (6) applies where—
 - (a) a senior police officer gives a domestic abuse protection notice to a person (“P”) who the officer believes is a person subject to service law in accordance with sections 367 to 369 of the Armed Forces Act 2006,
 - (b) the notice includes provision by virtue of section 23(2) prohibiting P from entering premises, or requiring P to leave premises, and
 - (c) the officer believes that the premises are relevant service accommodation.
- (6) The officer must make reasonable efforts to inform P’s commanding officer of the giving of the notice.
- (7) In this section—
 - “commanding officer” has the meaning given by section 360 of the Armed Forces Act 2006;
 - “relevant service accommodation” means premises which fall within paragraph (a) of the definition of “service living accommodation” in section 96(1) of that Act.

26 Breach of notice

- (1) If a constable has reasonable grounds for believing that a person is in breach of a domestic abuse protection notice, the constable may arrest the person without warrant.
- (2) A person arrested by virtue of subsection (1) must be held in custody and brought before the appropriate magistrates’ court—
 - (a) before the end of the period of 24 hours beginning with the time of the arrest, or
 - (b) if earlier, at the hearing of the application for a domestic abuse protection order against the person (see section 28(3)).
- (3) In subsection (2) “the appropriate magistrates’ court” means the magistrates’ court which is to hear the application mentioned in subsection (2)(b).

Status: This is the original version (as it was originally enacted).

- (4) In calculating when the period of 24 hours mentioned in subsection (2)(a) ends, the following days are to be disregarded—
- (a) any Sunday,
 - (b) Christmas Day,
 - (c) Good Friday, and
 - (d) any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.
- (5) If the person is brought before the court as mentioned in subsection (2)(a), the court may remand the person.
- (For power to remand a person brought before the court as mentioned in subsection (2)(b), see section 29(8).)
- (6) In the application of section 128(6) of the Magistrates’ Courts Act 1980 to remand under subsection (5) above, the reference to the “other party” is to be read as a reference to the senior police officer who gave the notice.
- (7) The court may, when remanding the person on bail, require the person to comply, before release on bail or later, with any requirements that appear to the court to be necessary to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice.
- (8) Sections 57A(2) and 57C of the Crime and Disorder Act 1998 (use of live link at preliminary hearings where accused is at police station) apply in relation to hearings arising by virtue of subsection (2)(a) as they apply in relation to preliminary hearings in a magistrates’ court (within the meaning of section 57A(3) of that Act), but as if—
- (a) any reference in section 57C of that Act to being in police detention in connection with an offence were a reference to being held in custody under subsection (2) above, and
 - (b) subsections (4), (10) and (11) of that section were omitted.
- (9) In section 17(1) of the Police and Criminal Evidence Act 1984 (entry for purpose of arrest etc), after paragraph (c) insert—
- “(cza) of arresting a person who the constable has reasonable grounds for believing is in breach of a domestic abuse protection notice given under section 22 of the Domestic Abuse Act 2021;”.