



# Domestic Abuse Act 2021

## 2021 CHAPTER 17

### PART 7

#### MISCELLANEOUS AND GENERAL

##### *Guidance*

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

- (1) The Secretary of State may issue guidance about—
  - (a) the effect of any provision made by or under—
    - (i) Parts 1 to 5,
    - (ii) section 68 or 70,
    - (iii) section 72 or Part 1 of Schedule 3,
    - (iv) section 76, 77, 78 or 79, or
    - (v) section 80 so far as relating to England;
  - (b) other matters relating to domestic abuse—
    - (i) in England, and
    - (ii) so far as not relating to Welsh devolved matters, in Wales.
- (2) The Secretary of State must, in particular, issue guidance under this section about—
  - (a) the effect of sections 1 and 2, including guidance as to particular kinds of behaviour that amount to domestic abuse;
  - (b) the effect of domestic abuse on children.
- (3) Any guidance issued under this section must, so far as relevant, take account of the fact that the majority of victims of domestic abuse in England and Wales (excluding children treated as victims by virtue of section 3) are female.
- (4) A person exercising public functions to whom guidance issued under this section relates must have regard to it in the exercise of those functions.

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*Changes to legislation: There are currently no known outstanding effects for the Domestic Abuse Act 2021, Section 84. (See end of Document for details)*

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But nothing in this section permits the Secretary of State to issue guidance to a court or tribunal.

- (5) The Secretary of State may from time to time revise any guidance issued under this section.
- (6) Before issuing or revising guidance under this section, the Secretary of State must consult—
  - (a) the Domestic Abuse Commissioner,
  - (b) the Welsh Ministers, so far as the guidance relates to a devolved Welsh authority, and
  - (c) such other persons as the Secretary of State considers appropriate.
- (7) In subsection (6)(b) “devolved Welsh authority” has the meaning given by section 157A of the Government of Wales Act 2006.
- (8) Subsection (6) does not apply in relation to any revisions of guidance issued under this section if the Secretary of State considers the proposed revisions of the guidance are insubstantial.
- (9) The Secretary of State must publish—
  - (a) any guidance issued under this section, and
  - (b) any revisions of that guidance.
- (10) For the purposes of this section something relates to Welsh devolved matters so far as it relates to—
  - (a) any matter provision about which would be within the legislative competence of Senedd Cymru if it were contained in an Act of Senedd Cymru, or
  - (b) (so far as it is not within paragraph (a)), any matter functions with respect to which are exercisable by the Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Government or the Senedd Commission.

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**Commencement Information**

**II** S. 84 in force at 1.11.2021 by S.I. 2021/1038, reg. 3(d)

**Changes to legislation:**

There are currently no known outstanding effects for the Domestic Abuse Act 2021, Section 84.