
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the second commencement regulations made under the Domestic Abuse Act 2021 (the “Act”). They bring into force sections 1 and 2 (so far as not already in force), section 3 (partially), section 63 and Part 4 (sections 57-61) of the Act on 1st October 2021, and section 3 (partially), Part 2 (sections 4-21), section 79 and section 84 of the Act on 1st November 2021.

Regulation 2(a) and (b) brings into force the definitions of “domestic abuse” and “personally connected” in sections 1 and 2, respectively, of the Act, for all purposes for which they are not already in force.

Regulation 2(c) brings section 3 of the Act into force partially, for the purposes of section 63 and Part 4 of the Act. Section 3 makes provision in relation to children as victims of domestic abuse.

Regulation 2(d) brings into force section 63 of the Act, which relates to special measures for victims of domestic abuse in family proceedings.

Regulation 2(e) brings into force Part 4 (sections 57-61) of the Act, which relates to local authority support for victims of domestic abuse.

Regulation 3(a) brings section 3 of the Act into force partially, for the purposes of section 79 of the Act.

Regulation 3(b) brings into force Part 2 (sections 4-21) of the Act, which relates to the appointment and functions of the Domestic Abuse Commissioner.

Regulation 3(c) brings into force section 79 of the Act which amends Part 4 of the Housing Act 1985 (c. 68) (the “1985 Act”). Part 4 of the 1985 Act relates to secure tenancies and the rights of secure tenants. Section 79 of the Act amends Part 4 of the 1985 Act to require local authorities to grant certain current or former victims of domestic abuse a new lifetime secure tenancy when housing or rehousing them for reasons connected with that abuse.

Regulation 3(d) brings into force section 84 of the Act which provides a power for the Secretary of State to issue guidance on the effect of provisions made under the Act and other matters relating to domestic abuse, and a duty to issue guidance about the effect of sections 1 and 2 of the Act and the effect of domestic abuse on children.

An impact assessment has not been published for these Regulations as no significant impact on the private, voluntary or public sector is foreseen independent of the provisions these Regulations bring into force. An impact assessment has been published in relation to the Act and copies can be obtained from the Ministry of Justice, 102 Petty France, London, SW1H9AJ or from this website: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1007463/DA_Act_2021_Impact_Assessment.pdf