

Domestic Abuse Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 12

BARONESS HAMWEE
BARONESS BURT OF SOLIHULL

Page 7, line 13, leave out “and not more than ten”

Member’s explanatory statement

This amendment would remove the upper limit for members of the Commissioner’s advisory board.

Clause 15

BARONESS BURT OF SOLIHULL
BARONESS WILCOX OF NEWPORT
LORD RUSSELL OF LIVERPOOL

Page 9, line 42, at end insert –

- “(r) the Independent Office for Police Conduct;
- (s) the Prisons and Probation Ombudsman.”

Member’s explanatory statement

This amendment would extend the list of public authorities which have a duty to co-operate with the Domestic Abuse Commissioner to include the Independent Office for Police Conduct and the Prisons and Probation Ombudsman.

After Clause 16

BARONESS ARMSTRONG OF HILL TOP

Insert the following new Clause –

“Duties of public authorities in relation to training

- (1) Subject to subsection (3), all public authorities specified in section 15(3) must report to the Commissioner such statistics on enquiries or training as the Commissioner deems necessary.

After Clause 16 - continued

- (2) If the Commissioner has published guidance on training or reporting under section 7(2)(d), the training or reporting provided by public authorities to their staff must meet standards specified in such guidance, so far as such standards apply to the public authority.
- (3) The Commissioner must produce an annual report, in accordance with section 14(2)(b).”

BARONESS BURT OF SOLIHULL
 BARONESS WILCOX OF NEWPORT
 LORD RUSSELL OF LIVERPOOL

Insert the following new Clause –

“Duty to notify the Secretary of State and the Domestic Abuse Commissioner of all reviews and investigations of deaths where domestic abuse is a factor

- (1) Where a specified public authority conducts a review or investigation into a death in relation to which domestic abuse has been identified as a contributory factor, it must provide the Secretary of State and the Domestic Abuse Commissioner with a copy of the findings of that review or investigation within 28 days of its completion.
- (2) In this section “findings” means any document which sets out the conclusions of the relevant specified public authority, including, but not limited to –
 - (a) Independent Office of Police Conduct reports,
 - (b) misconduct hearing outcomes by a specified public authority where there is a finding of misconduct or gross misconduct in relation to a death to which this section relates,
 - (c) Safeguarding Adults Reviews,
 - (d) Serious Case Reviews, and
 - (e) NHS Serious Incident investigations.
- (3) In paragraph 7 of Schedule 5 to the Coroners and Justice Act 2009 (action to prevent other deaths), at end insert –
 - “(4) A copy of a report under this paragraph in relation to a death where domestic abuse has been identified as a contributory factor must be sent to the Secretary of State and the Domestic Abuse Commissioner.”
- (4) In this section “specified public authority” means any of the public authorities in section 15(3).
- (5) The Secretary of State may by regulations amend this section to –
 - (a) add a public authority as a specified public authority for the purposes of this section;
 - (b) remove a public authority added by virtue of paragraph (a);
 - (c) vary any description of a public authority.
- (5) The Secretary of State must issue guidance relating to circumstances in which domestic abuse has been identified to be a contributory factor.
- (6) A specified public authority must have regard to any guidance issued under this section when exercising a function to which the guidance relates.

After Clause 16 - continued

- (7) The Secretary of State may from time to time revise any guidance issued under this section.
- (8) Before issuing or revising guidance under this section, the Secretary of State must consult –
 - (a) the Domestic Abuse Commissioner, and
 - (b) such other persons as the Secretary of State considers appropriate.”

Member’s explanatory statement

This amendment would place a duty on public authorities who carry out reviews and investigations into deaths where domestic abuse has been identified as a contributory factor to notify the Home Office and the Domestic Abuse Commissioner upon completion and to provide them with a copy of their findings.

Clause 37

LORD PADDICK
BARONESS HAMWEE

Page 23, line 28, leave out “without reasonable excuse the person fails” and insert “the court is satisfied beyond reasonable doubt that the person has without reasonable excuse failed”

Member’s explanatory statement

This amendment applies the criminal standard of proof to a breach of a domestic abuse protection order.

After Clause 72

BARONESS ALTMANN
LORD PALMER OF CHILDS HILL
BARONESS DEECH
LORD MENDELSON

Insert the following new Clause –

“Controlling or coercive behaviour by unreasonably preventing dissolution of a religious Jewish marriage

Any guidance issued by the Secretary of State with the intention of defining “controlling or coercive” behaviour for the purposes of section 1 of this Act, or section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship), must recognise as “controlling or coercive” any behaviour whereby a person unreasonably prevents the dissolution of a Jewish religious marriage to which they are a party and where the other party to the Jewish religious marriage wishes to bring about that dissolution.”

Insert the following new Clause –

“Unreasonably preventing dissolution of a religious Jewish marriage

- (1) If a person (“A”) unreasonably prevents a religious Jewish marriage being dissolved, this must be regarded as a significant factor to be taken into account when any determination is being made as to whether –

After Clause 72 - continued

- (a) the behaviour of A towards the person to whom A is married under Jewish law (“B”) is domestic abuse;
 - (b) an offence has been committed by A under section 76 (controlling or coercive behaviour in an intimate or family relationship) or section 76A (offences under section 76 committed outside the United Kingdom) of the Serious Crime Act 2015;
 - (c) a court should make a domestic abuse protection order under section 26 or 29 of this Act; or
 - (d) domestic abuse support should be provided under section 55 of this Act.
- (2) “Unreasonably preventing a religious Jewish marriage being dissolved” may include behaviour whereby A unreasonably imposes conditions, including as a condition that the get be provided on terms that are substantially less favourable than those ordered by a court.”

Member’s explanatory statement

This new Clause ensures the specific issue of prevention of dissolution of Jewish religious marriage with a “get” falls under the Bill and is considered “domestic abuse” and is subject to domestic abuse protections and support, and threatening to impede the dissolution of the marriage to improve civil divorce terms is classified as “unreasonable”. It also provides protection through the courts by being able to obtain a Domestic Abuse Protection Order in such cases.

LORD STRASBURGER

Insert the following new Clause—

“Strategic plan for perpetrators of domestic abuse

Within one year of the passing of this Act, the Secretary of State must lay before Parliament a comprehensive prevention and perpetrator strategy for domestic abuse for the purposes of—

- (a) improving the identification and assessment of perpetrators,
- (b) increasing the number of rehabilitation programmes, and
- (c) increasing specialist work to tackle abusive attitudes and behaviour.”

Member’s explanatory statement

This amendment would require the Government to provide a comprehensive perpetrator strategy for domestic abuse, within one year of the Act being passed.

BARONESS BENNETT OF MANOR CASTLE

Insert the following new Clause—

“Repeal of defence of reasonable punishment

- (1) Section 58 of the Children Act 2004 is repealed.
- (2) In relation to any offence, battery of a child cannot be justified on the ground that it constituted reasonable punishment.”

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2 March 2021
