

Domestic Abuse Bill

THIRD
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 3rd March 2021, as follows –

Clauses 1 to 38	Schedule 2
Schedule 1	Clauses 69 to 80
Clauses 39 to 68	Title

[Amendments marked ★ are new or have been altered]

Amendment
No.

After Clause 71

LORD RANDALL OF UXBRIDGE

66B

Insert the following new Clause –

“Criterion that may not be used in deciding what classes of persons are not qualifying persons

- (1) In deciding what classes of persons are not qualifying persons under section 160ZA(7) of the Housing Act 1996 (“the 1996 Act”) (allocation only to eligible and qualifying persons: England), a local housing authority in England may not use the criterion set out in subsection (2).
- (2) The criterion is that a relevant person must have a local connection to the district of a local housing authority.
- (3) A relevant person is a person who –
 - (a) is, or has been, a victim of domestic abuse within two years of the date of their application for an allocation of housing under Part 6 of the 1996 Act; or
 - (b) has recently ceased, or will cease, to reside in accommodation provided by a local authority in an area in which they have been subjected to domestic abuse and where –
 - (i) the victim of domestic abuse has fled, or will flee, their local area; and
 - (ii) the purpose of fleeing was, or is, to escape domestic abuse.

After Clause 71 - continued

- (4) In deciding upon the allocation of housing to a relevant person, a local housing authority may not consider the location or whereabouts of the perpetrator of the domestic abuse.”

After Clause 72

LORD WOLFSON OF TREDEGAR

66C★ Insert the following new Clause—

*“Medical evidence of domestic abuse***Prohibition on charging for the provision of medical evidence of domestic abuse**

- (1) No person may charge a fee or any other remuneration for the preparation or provision of relevant evidence relating to an assessment of an individual carried out by a relevant health professional in England or Wales under a qualifying medical services contract.
- (2) No person may charge a fee or any other remuneration for the preparation or provision of relevant evidence relating to an individual by a relevant health professional in England or Wales if the services provided by the relevant health professional are wholly or mainly services provided under a qualifying medical services contract.
- (3) In this section “relevant evidence”, in relation to an individual, means—
- (a) evidence that the individual is, or is at risk of being, a victim of domestic abuse which is intended to support an application by the individual for civil legal services, or
 - (b) any other evidence that the individual is, or is at risk of being, a victim of domestic abuse which is of a description specified in regulations made by the Secretary of State.
- (4) In this section “relevant health professional” means—
- (a) a medical practitioner licensed to practise by the General Medical Council;
 - (b) a health professional registered to practise in the United Kingdom by the Nursing and Midwifery Council;
 - (c) a paramedic registered to practise in the United Kingdom by the Health and Care Professions Council.
- (5) In this section “qualifying medical services contract” means—
- (a) in relation to England—
 - (i) a general medical services contract made under section 84(2) of the National Health Service Act 2006;
 - (ii) any contractual arrangements made under section 83(2) of that Act;
 - (iii) an agreement made under section 92 of that Act;
 - (b) in relation to Wales—
 - (i) a general medical services contract made under section 42(2) of the National Health Service (Wales) Act 2006;
 - (ii) any contractual arrangements made under section 41(2)(b) of that Act;

After Clause 72 - continued

- (iii) an agreement made under section 50 of that Act.
- (6) The appropriate national authority may by regulations amend the definition of—
 - (a) “relevant health professional”;
 - (b) “qualifying medical services contract”.
- (7) In this section—
 - “appropriate national authority” means—
 - (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers;
 - “assessment” includes a consultation, whether in person or otherwise;
 - “civil legal services” has the meaning given by section 8 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.
- (8) Subsections (1) and (2) do not apply in relation to anything done by a relevant health professional before the coming into force of this section.”

Member’s explanatory statement

This amendment would prevent certain health care professionals who either assess a patient under an NHS contract, or provide services wholly or mainly under an NHS contract, from charging victims of domestic abuse for the provision of evidence of their injuries in order to support a claim for civil legal aid.

BARONESS MEACHER
BARONESS WILCOX OF NEWPORT
BARONESS HAMWEE
THE LORD BISHOP OF LONDON

67

Insert the following new Clause—

“Victims of domestic abuse: data-sharing for immigration purposes

- (1) The Secretary of State must make arrangements to ensure that personal data of a victim of domestic abuse in the United Kingdom that is processed for the purpose of that person requesting or receiving support or assistance related to domestic abuse is not used for any immigration control purpose.
- (2) The Secretary of State must make arrangements to ensure that the personal data of a witness to domestic abuse in the United Kingdom that is processed for the purpose of that person giving information or evidence to assist the investigation or prosecution of that abuse, or to assist the victim of that abuse in any legal proceedings, is not used for any immigration control purpose.
- (3) Paragraph 4 of Schedule 2 to the Data Protection Act 2018 shall not apply to the personal data to which subsection (1) or (2) applies.
- (4) For the purposes of this section, the Secretary of State must issue guidance to—
 - (a) persons from whom support or assistance may be requested or received by a victim of domestic abuse in the United Kingdom;
 - (b) persons exercising any function of the Secretary of State in relation to immigration, asylum or nationality; and
 - (c) persons exercising any function conferred by or by virtue of the Immigration Acts on an immigration officer.

After Clause 72 - continued

- (5) For the purposes of this section –
- “immigration control purpose” means any purpose of the functions to which subsection (4)(b) and (c) refers;
 - “support or assistance” includes the provision of accommodation, banking services, education, employment, financial or social assistance, healthcare and policing services; and any function of a court or prosecuting authority;
 - “victim” includes any dependent of a person, at whom the domestic abuse is directed, where that dependent is affected by that abuse.”

Member’s explanatory statement

This new Clause would require the Secretary of State to make arrangements to ensure that the personal data of migrant survivors of domestic abuse that is given or used for the purpose of their seeking or receiving support and assistance is not used for immigration control purposes.

BARONESS LISTER OF BURTERSETT
BARONESS BURT OF SOLIHULL
BARONESS BENNETT OF MANOR CASTLE
BARONESS MEACHER

68

Insert the following new Clause –

“Duty to assess impact of social security reforms on victims of domestic abuse

- (1) When developing social security reform policies, the relevant government department must assess the impact of such policies on individuals who are, or are likely to become, victims of domestic abuse within the meaning of section 1 of this Act, and promote their wellbeing through those policies.
- (2) For the purposes of subsection (1) “wellbeing”, relates to any of the following –
 - (a) physical and mental health and emotional wellbeing;
 - (b) protection from abuse and neglect;
 - (c) control over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided);
 - (d) participation in work, education, training or recreation;
 - (e) social and economic wellbeing; and
 - (f) suitability of living accommodation.
- (3) In exercising the duty under subsection (1), the appropriate authority must have regard to the following matters in particular –
 - (a) the importance of individuals who are, or are likely to become, victims of domestic abuse being able to escape abusive relationships;
 - (b) the importance of individuals who are, or are likely to become, victims of domestic abuse being able to become economically independent of the perpetrator or perpetrators of abuse; and
 - (c) the importance of individuals who are or are likely to become victims of domestic abuse being able to rebuild their lives.”

Member's explanatory statement

This new Clause would place a duty on the relevant government department to assess the impact of any social security reforms on the victims or potential victims of domestic abuse.

BARONESS LISTER OF BURTERSETT
BARONESS BURT OF SOLIHULL
BARONESS MEACHER
BARONESS BENNETT OF MANOR CASTLE

69 Insert the following new Clause—

“Social security: exemption from repaying benefit advances

- (1) The Social Security (Payments on Account of Benefit) Regulations 2013 are amended as follows.
- (2) In regulation 7 (definition of financial need), after paragraph (3) insert—
 - “(4) It shall be presumed for the purposes of this regulation that A is in financial need where A—
 - (a) is or has recently been a victim of domestic abuse; and
 - (b) provides evidence of the domestic abuse in one or more of the forms set out in regulation 33(2) of the Civil Legal Aid (Procedure) Regulations 2012.
 - (5) A has recently been a victim of domestic abuse if a period of 12 months has not expired since the domestic abuse was inflicted or threatened.
 - (6) For the purposes of this regulation—
 - (a) “domestic abuse” has the meaning set out in section 1 of the Domestic Abuse Act 2021;
 - (b) “victim of domestic abuse” means a person on or against whom domestic abuse is inflicted or threatened.”
- (3) In regulation 10 (bringing payments on account of benefit into account), after sub-paragraph (b) insert—
 - “(2) In the case of a payment on account of benefit made to a person who can provide evidence of being or having recently been a victim of domestic abuse, paragraph (1) shall not apply.
 - (3) A person has recently been a victim of domestic abuse if a period of 12 months has not expired since the domestic abuse was inflicted or threatened.
 - (4) For the purposes of this regulation—
 - “domestic abuse” has the meaning set out in section 1 of the Domestic Abuse Act 2021;
 - “victim of domestic abuse” means a person on or against whom domestic abuse is inflicted or threatened.
 - (5) For the purposes of this regulation, evidence of being or having recently been a victim of domestic abuse must be provided in one or more of the forms set out in regulation 33(2) of the Civil Legal Aid (Procedure) Regulations 2012.””

After Clause 72 - continued

THE LORD BISHOP OF GLOUCESTER
 LORD ROSSER
 BARONESS HAMWEE
 BARONESS GOUDIE

70 Insert the following new Clause—

“Victims of domestic abuse: leave to remain and the destitution domestic violence concession (DDVC)

- (1) The Secretary of State must, within three months of this Act being passed, lay before Parliament a statement of changes in rules made under section 3(2) of the Immigration Act 1971 (“the immigration rules”) to make provision for any person subject to immigration control who is a victim of domestic abuse in the United Kingdom to have a route to apply for leave to remain.
- (2) The statement laid under subsection (1) must—
 - (a) set out rules for applying for indefinite leave to remain by any person subject to immigration control who is a victim of domestic abuse in the United Kingdom; and
 - (b) provide for those rules to be commenced no later than one month after the laying of the statement.
- (3) The Secretary of State must make provision for granting limited leave to remain for a period of no less than six months to any person eligible to make an application under the immigration rules for the purposes of subsection (2); such leave must include no condition under section 3(1)(c)(i), (ia), (ii) or (v) of the Immigration Act 1971.
- (4) The Secretary of State must make provision for extending limited leave to remain granted in accordance with subsection (3) to ensure that leave continues throughout the period during which an application made under the immigration rules for the purposes of subsection (2) remains pending.
- (5) Where subsection (6) applies, notwithstanding any statutory or other provision, no services shall be withheld from a victim of domestic abuse solely by reason of that person not having leave to remain or having leave to remain subject to a condition under section 3(1)(c) of the Immigration Act 1971.
- (6) This subsection applies where a provider of services is satisfied that the victim of domestic abuse is eligible to make an application to which subsection (3) refers.
- (7) The Secretary of State must, for the purposes of subsection (5), issue guidance to providers of services about the assessment of eligibility to make an application to which subsection (3) refers.
- (8) In this section—
 - (a) an application is pending during the period—
 - (i) beginning when it is made,
 - (ii) ending when it is finally decided, withdrawn or abandoned;
 - (b) an application is not finally decided while an application for review or appeal could be made within the period permitted for either or while any such review or appeal remains pending (meaning that review or appeal has not been finally decided, withdrawn or abandoned);

After Clause 72 - continued

“person subject to immigration control” means a person in the United Kingdom who does not have the right of abode;

“provider of services” includes both public and private bodies;

“services” includes accommodation, education, employment, financial assistance, healthcare and any service provided exclusively or particularly to survivors of domestic abuse.”

Member’s explanatory statement

This would provide migrant victims of abuse with temporary leave to remain and access to public funds, for a period of no less than six months, so they can access support services while they flee abuse and apply to resolve their immigration status.

LORD KENNEDY OF SOUTHWARK
BARONESS BULL
BARONESS NEWLOVE
BARONESS BURT OF SOLIHULL

71 Insert the following new Clause –

“Evidence of domestic abuse for the purposes of legal aid: restriction of fees

- (1) Where an appropriate health professional has examined a person in the course of providing services under a general medical services contract, the appropriate health professional may not impose a fee upon that person for providing a letter or report for the purposes of paragraph 11 or 12 of Schedule 1 to the Civil Legal Aid (Procedure) Regulations 2012 (S.I. 2012/3098) (supporting documents: domestic violence).
- (2) In this section, “general medical services contract” has the meaning given by section 84 of the National Health Service Act 2006.”

Member’s explanatory statement

This amendment aims to prevent GPs who have a contract with the NHS from charging victims of domestic abuse for letters confirming their injuries so that they can seek access to legal aid and other services.

LORD BEST
THE LORD BISHOP OF MANCHESTER
BARONESS LISTER OF BURTERSETT

72 Insert the following new Clause –

“Benefit cap: domestic abuse

- (1) Section 96 of the Welfare Reform Act 2012 (benefit cap) is amended in accordance with subsection (2).
- (2) After subsection (9) insert –
 - “(9A) Regulations made under subsection (4)(c) must provide for an exception where –
 - (a) the behaviour of a person (“A”) towards another person (“B”) constitutes domestic abuse within the meaning of section 1 of the Domestic Abuse Act 2021,
 - (b) A and B are personally connected within the meaning of section 2 of that Act,

After Clause 72 - continued

- (c) B claims a welfare benefit as a single person, and
 - (d) B's claim for benefit as a single person was necessitated by A's behaviour towards them, regardless of whether B had been part of a joint claim with A or not.
- (9B) Regulations under subsection (9A) must provide for exceptions as follows—
- (a) where B would fall within the grace period at regulation 82(1)(b) and (2) of the Universal Credit Regulations 2013 (S.I. 2013/376), for a period of at least 3 months from the end of that grace period; or
 - (b) where B would not fall within the grace period at regulation 82(1)(b) and (2) of the Universal Credit Regulations 2013 (S.I. 2013/376), for a period of at least 12 months beginning with the day on which B first received a welfare benefit which included a housing costs element within the award of universal credit, or housing benefit not falling within regulations 75F and 75H of the Housing Benefit Regulations 2006 (S.I. 2006/213).
- (9C) Regulations made under subsections (9A) and (9B) must provide that, where B falls within paragraphs 3(h) and 3A(4) of Schedule 1 to the Universal Credit Regulations 2013 (S.I. 2013/376), the grace period at regulation 82(1)(b) and (2) or the exception at subsection (9B) above commences on the day on which B ceases to fall within those paragraphs.””

Member's explanatory statement

This amendment provides for the benefit cap to be disapplied for 12 months for a person (B) making a new universal credit claim in her own name where she has separated from a partner (A) who has subjected her to domestic abuse.

BARONESS ROYALL OF BLAISDON
 BARONESS BRINTON
 LORD RUSSELL OF LIVERPOOL
 LORD HUNT OF KINGS HEATH

73

Insert the following new Clause—

“Monitoring of serial and serious harm domestic abuse and stalking perpetrators under Multi-Agency Public Protection Arrangements

- (1) The Criminal Justice Act 2003 is amended as follows.
 - (2) In section 325 (arrangements for assessing etc risk posed by certain offenders)—
 - (a) in subsection (1), after ““relevant sexual or violent offender” has the meaning given by section 327;” insert ““relevant domestic abuse or stalking perpetrator” has the meaning given in section 327ZA;”;
 - (b) in subsection (2), after paragraph (a) insert—
 - “(aa) relevant domestic abuse or stalking perpetrators.”.
 - (3) After section 327 (Section 325: interpretation) insert—
- “327ZA Section 325: interpretation of relevant domestic abuse or stalking perpetrator**

After Clause 72 - continued

- (1) For the purposes of section 325, a person (“P”) is a “relevant domestic abuse or stalking perpetrator” if P has been convicted of a specified offence and meets either the condition in subsection (2)(a) or the condition in subsection (2)(b).
- (2) For the purposes of subsection (1), the conditions are –
 - (a) P is a relevant serial offender; or
 - (b) a risk of serious harm assessment has identified P as presenting a high or very high risk of serious harm.
- (3) An offence is a “specified offence” for the purposes of this section if it is a specified domestic abuse offence or a specified stalking offence.
- (4) In this section –
 - “relevant serial offender” means a person convicted on more than one occasion for the same specified offence, or a person convicted of more than one specified offence;
 - “specified domestic abuse offence” means an offence where it is alleged that the behaviour of the accused amounted to domestic abuse within the meaning defined in section 1 of the Domestic Abuse Act 2021;
 - “specified stalking offence” means an offence contrary to section 2A or section 4A of the Protection from Harassment Act 1997.
- (5) Within 12 months of this Act being passed the Secretary of State must commission a review into the operation of the provisions of this section.
- (6) The Secretary of State must lay before Parliament a report setting out the findings of the review under subsection (5) which must include a comprehensive prevention and perpetrator strategy for domestic abusers and stalkers for the purposes of –
 - (a) improving the early identification, assessment and management of perpetrators;
 - (b) increasing the number of rehabilitation programmes;
 - (c) increasing specialist work to tackle abusive attitudes and behaviour; and
 - (d) ensuring a co-ordinated approach to data collection and management of perpetrators across England and Wales.”

Member’s explanatory statement

This amendment amends the Criminal Justice Act 2003, which provides for the establishment of MAPPAs, to make arrangements for serial domestic abuse or stalking perpetrators to be registered on VISOR and be subjected to supervision, monitoring and management through MAPPA. It would require the Government to provide a comprehensive perpetrator strategy for domestic abusers and stalkers within one year of the Act being passed.

BARONESS ALTMANN
LORD PALMER OF CHILDS HILL
BARONESS DEECH
LORD MENDELSON

74 Insert the following new Clause—

“Controlling or coercive behaviour: parties to a Jewish religious marriage

In section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship), after subsection (5) insert—

“(5A) For the purposes of subsection (2)(a), if A and B remain parties to a Jewish religious marriage (notwithstanding the dissolution of any civil marriage) they are regarded as being connected in an intimate personal relationship.””

Member’s explanatory statement

This proposal ensures that partners in a Jewish religious marriage which has not been dissolved can be considered under the definition of an “intimate personal relationship” within the Serious Crime Act 2015, whether or not they continue to be married under civil law or live together.

BARONESS BURT OF SOLIHULL
BARONESS MEACHER
BARONESS BENNETT OF MANOR CASTLE

75 Insert the following new Clause—

“Code of practice: employer’s duty of care

(1) In this section—

(a) “worker” means an individual who has entered into or works under a contract of employment or any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual; and

(b) “employer” means the person to whom the worker undertakes to perform the work or services in question.

(2) The Secretary of State must issue a code of practice (a “code”) containing provision designed to ensure that persons affected by domestic abuse who are workers receive appropriate care and support from their employer in relation to their work.

(3) A code may include provision requiring an employer to make reasonable adjustments for the purpose of ensuring that persons affected by domestic abuse are not, by reason of being so affected, placed at a substantial disadvantage in relation to their work in comparison with persons who are not so affected.

(4) The Secretary of State may revoke or amend a code.

(5) Before issuing, revoking or amending a code the Secretary of State must—

(a) issue proposals, and

(b) consult the Commissioner and such other persons as the Secretary of State thinks appropriate.

After Clause 72 - continued

- (6) Failure to comply with a provision of a code does not of itself make a person liable to civil or criminal proceedings; but a code shall be –
- (a) admissible in evidence in criminal or civil proceedings, and
 - (b) taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant, including (in particular) any case in which a question arises as to whether an employer is in breach of a duty of care owed to a worker.”

Member’s explanatory statement

This amendment would require the Secretary of State to issue a code of practice containing provision designed to ensure that persons affected by domestic abuse who are workers receive appropriate care and support from their employer.

BARONESS BURT OF SOLIHULL
BARONESS MEACHER

76

Insert the following new Clause –

“School admissions code: duty of Secretary of State

- (1) The Secretary of State must, within six months after this section comes into force, secure that the school admissions code issued for England under section 84 of the Schools Standards and Framework Act 1998 (the “1998 Act”) contains such provision as the Secretary of State considers necessary to achieve the objective set out in subsection (5).
- (2) The Secretary of State must secure that the Commissioner is consulted about any proposed provision under subsection (1).
- (3) The Welsh Ministers must, within six months after this section comes into force, secure that the Welsh Government school admissions code issued under section 84 of the 1998 Act contains such provision as the Welsh Ministers consider necessary to achieve the objective set out in subsection (5).
- (4) The Welsh Ministers must secure that the Commissioner is consulted about any proposed provision under subsection (3).
- (5) The objective is that –
 - (a) oversubscription criteria for admission to any school to which the school admissions code applies give the same priority to children falling within subsection (6) as to looked-after children (within the meaning of section 22(1) of the Children Act 1989), and
 - (b) the Code contains appropriate guidance about admission of children who have moved home to avoid domestic abuse or who are otherwise affected by domestic abuse.
- (6) A child falls within this subsection if the child –
 - (a) is in the care of, or provided with accommodation by, a body exercising a function which, if the body were a local authority, would be a social services function of the kind mentioned in section 22(1)(b) of the Children Act 1989, or
 - (b) has moved home as a result of being affected by domestic abuse.”

Member's explanatory statement

This amendment would extend the duty on local authorities to provide school places for looked after children to children who are forced to change schools as a result of domestic abuse.

LORD RAMSBOTHAM
BARONESS FINLAY OF LLANDAFF

77

Insert the following new Clause –

“Screening for acquired brain injury in domestic abuse cases

- (1) A woman who has been the subject of domestic abuse, including female prisoners and those awarded community sentences under probation supervision, must, with her consent, be screened for traumatic brain injury, and other forms of acquired brain injury, including concussion.
- (2) For the purposes of this section, a woman has been the subject of domestic abuse if –
 - (a) she is the person for whose protection a domestic abuse protection notice or a domestic abuse protection order has been issued, or
 - (b) she is the person against whom it has been alleged that domestic abuse has been perpetrated when the accused is charged with an offence within the meaning of section 1 of this Act.
- (3) The purpose of screening under subsection (1) is to assist in the determination of whether a woman has been the subject of domestic abuse.
- (4) If screening under subsection (1) shows that there is an acquired brain injury –
 - (a) an assessment must be made of whether such an injury has been acquired as a result of domestic abuse, and
 - (b) the woman must be given appropriate rehabilitation treatment and advice.”

Member's explanatory statement

This amendment seeks to improve the state's understanding of the prevalence, causality and impact of brain injuries sustained during incidents of domestic abuse. It seeks to ensure that this is done quickly and thoroughly in order to start rehabilitative treatment.

BARONESS STROUD
BARONESS FINLAY OF LLANDAFF
LORD MACKAY OF CLASHFERN
BARONESS ARMSTRONG OF HILL TOP

78

Insert the following new Clause –

“Babies affected by domestic abuse

The Secretary of State must make provision for publicly-funded trauma-informed and attachment-focussed therapeutic work to be made available to all expectant parents and parents of children aged under two years old where those children are victims of or otherwise affected by domestic abuse.”

After Clause 72 - continued

BARONESS ALTMANN
 LORD PALMER OF CHILDS HILL
 BARONESS DEECH
 LORD MENDELSON

79 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.”

80 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—
 - (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

81 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

BARONESS WALMSLEY

BARONESS WHITAKER

BARONESS FINLAY OF LLANDAFF

82 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.”

BARONESS GREENGROSS

LORD HUNT OF KINGS HEATH

LORD RANDALL OF UXBRIDGE

BARONESS MEACHER

83 Insert the following new Clause—

“Duty to report suspected abuse

A local authority must ensure that, where any of its employees suspects in the course of carrying out a financial assessment for adult social care that a person is the victim of domestic abuse, the employee reports the suspected abuse to a relevant social worker or the police.”

84 Insert the following new Clause—

“Social workers: powers of entry

- (1) A magistrate’s court may make an order permitting a registered social worker to enter premises specified in the order by force for the purposes of identifying and supporting victims of domestic abuse on an application made to it in accordance with this section.
- (2) A registered social worker may make an application if the social worker—
 - (a) has reason to believe that any of the occupants of the premises may be victims of domestic abuse, and
 - (b) has been refused entry by any of the occupants of the premises.”

After Clause 72 - continued

85 [Withdrawn]

86 [Withdrawn]

BARONESS HELIC
BARONESS BUTLER-SLOSS
BARONESS HUSSEIN-ECE
BARONESS HAMWEE

87 Insert the following new Clause—

“Effective protection and support for all victims of domestic abuse

- (1) The Secretary of State must take steps to ensure that all victims of domestic abuse, irrespective of their status, receive—
 - (a) equally effective protection against domestic abuse, and
 - (b) equally effective support.
- (2) In this section—

“status” includes a status for the purpose of Article 4(3) of the Council of Europe Convention on preventing and combating violence against women and domestic violence and any combined forms of such status;
“victims of domestic abuse” includes persons who are reasonably believed to be at risk of domestic abuse.”

Member’s explanatory statement

This new Clause ensures all victims of domestic abuse are protected, regardless of their status, in line with Article 4(3) of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

BARONESS BENJAMIN
LORD MCCOLL OF DULWICH

87A Insert the following new Clause—

“Impact of online pornography on domestic abuse

- (1) Within three months of the day on which this Act is passed, the Secretary of State must commission a person appointed by the Secretary of State to investigate the impact of access to online pornography by children on domestic abuse.
- (2) Within three months of their appointment, the appointed person must publish a report on the investigation which may include recommendations for the Secretary of State.
- (3) As part of the investigation, the appointed person must consider the extent to which the implementation of Part 3 of the Digital Economy Act 2017 (online pornography) would prevent domestic abuse, and may make recommendations to the Secretary of State accordingly.
- (4) Within three months of receiving the report, the Secretary of State must publish a response to the recommendations of the appointed person.

After Clause 72 - continued

- (5) If the appointed person recommends that Part 3 of the Digital Economy Act 2017 should be commenced, the Secretary of State must appoint a day for the coming into force of that Part under section 118(6) of the Act within the timeframe recommended by the appointed person.”

Member’s explanatory statement

This amendment would require an investigation into any link between online pornography and domestic abuse with a view to implementing recommendations to bring into effect the age verification regime in the Digital Economy Act 2017 as a means of preventing domestic abuse.

BARONESS KENNEDY OF CRADLEY
LORD RUSSELL OF LIVERPOOL
LORD YOUNG OF COOKHAM

87B★ Insert the following new Clause—

“Guidance on domestic abuse and offences involving hostility based on sex or gender

- (1) The Secretary of State must issue guidance under this section which takes account of evidence about the relationship between domestic abuse and offences involving hostility based on sex or gender.
- (2) In preparing guidance under subsection (1) the Secretary of State must require the chief officer of police of any police force to provide information relating to—
- (a) the number of relevant crimes reported to the police force; and
 - (b) the number of relevant crimes reported to the police force which, in the opinion of the chief officer of police, have also involved domestic abuse.
- (3) In this section—
- “chief officer of police” and “police force” have the same meaning as in section 70 of this Act;
- “relevant crime” means a reported crime in which—
- (a) the victim or any other person perceived the alleged offender, at the time of, or in a recent period before or after, the offence, to demonstrate hostility or prejudice based on sex or gender, or
 - (b) the victim or any other person perceived the crime to be motivated (wholly or partly) by hostility or prejudice towards persons who are of a particular sex or gender.”

BARONESS DEECH
BARONESS BURT OF SOLIHULL
LORD YOUNG OF COOKHAM
LORD KENNEDY OF SOUTHWARK

87C★ Insert the following new Clause—

“Transfer of joint tenancies and survivors of domestic abuse

- (1) This section applies where there are two or more joint tenants under a secure or assured tenancy and the landlord is a local housing authority or a private registered provider of social housing.

After Clause 72 - continued

- (2) If one joint tenant (“A”) has experienced domestic abuse from another joint tenant (“B”) then A may apply to the county court for an order that B is removed as a joint tenant, such application to be on notice to B, any other joint tenant, and the landlord.
- (3) For the purposes of subsection (2) it is sufficient that the domestic abuse was directed at A or to anyone who might reasonably be expected to reside with A.
- (4) On such an application, the court must take the following approach—
 - (a) the court must be satisfied that the tenancy is affordable for A, or will be so within a reasonable period of time;
 - (b) if the court is so satisfied, then—
 - (i) if B has been convicted of an offence related to domestic abuse against A or anyone who might reasonably be expected to reside with A, the court must make an order under this section;
 - (ii) if B has been given a domestic abuse protection notice under section 20, or a domestic abuse protection order has been made against B under section 26, or B is currently subject to an injunction or restraining order in relation to A, or a person who might be reasonably expected to reside with A, the court may make an order under this section;
 - (iii) if the application does not fall within sub-paragraph (i) or (ii), then the court may make such an order if it thinks it fit to do so;
 - (c) for the purposes of subsection (4)(b)(ii), the court must adopt the following approach—
 - (i) if B does not oppose the making of such an order, then the court must make it;
 - (ii) if B does oppose the making of such an order then it is for B to satisfy the court that, as at the date of the hearing, there are exceptional circumstances which mean that the only way to do justice between A and B is for the order to be refused.
- (5) Where A has made such an application to the court, any notice to quit served by B shall be of no effect until determination of A’s application or any subsequent appeal.
- (6) Notwithstanding any rule of common law to the contrary, the effect of an order under this section is that the tenancy continues for all purposes as if B had never been a joint tenant, save that B remains liable on a joint and several basis for any debts, arrears or penalties accrued prior to the making of an order under this section.
- (7) For the purposes of this section, an offence related to domestic abuse includes, as against A or anyone who might be reasonably expected to reside with A, an offence of violence, threats of violence, criminal damage to property, rape, other offences of sexual violence or harassment, coercive control, breach of injunction, breach of restraining order, or breach of domestic abuse protection order.
- (8) In section 88(2) of the Housing Act 1985, after “section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c.)” insert “, or section (*Transfer of joint tenancies and survivors of domestic abuse*) of the Domestic Abuse Act 2021,”.

After Clause 72 - continued

- (9) In section 91(3)(b) of the Housing Act 1985, after sub-paragraph (iv), insert –
“(v) section (*Transfer of joint tenancies and survivors of domestic abuse*) of the Domestic Abuse Act 2021;”.
- (10) In section 99B(2)(e) of the Housing Act 1985 (persons qualifying for compensation for improvements), after sub-paragraph (iv) insert –
“(v) section (*Transfer of joint tenancies and survivors of domestic abuse*) of the Domestic Abuse Act 2021;”.
- (11) This section comes into force on a day appointed by the Secretary of State in regulations.”

Clause 73

BARONESS LISTER OF BURTERSETT
BARONESS WILLIAMS OF TRAFFORD
BARONESS BERTIN
BARONESS SANDERSON OF WELTON

88 Page 58, line 19, at end insert –

“() section (*Controlling or coercive behaviour in an intimate or family relationship*),”

Member’s explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Lister of Burtersett that amends section 76 of the Serious Crime Act 2015.

BARONESS NEWLOVE
LORD WOLFSON OF TREDEGAR
BARONESS JONES OF MOULSECOOMB

89 Page 58, line 19, at end insert –

“() section (*Strangulation or suffocation*),”

Member’s explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Newlove that provides for an offence of strangulation or suffocation.

LORD WOLFSON OF TREDEGAR

89A★ Page 58, line 21, at end insert “, or

() section (*Prohibition on charging for the provision of medical evidence of domestic abuse*) so far as relating to England;”

Member’s explanatory statement

This amendment gives the Secretary of State power to issue guidance about the proposed amendment in the name of Lord Wolfson of Tredegar which prevents certain health care professionals who either assess a patient under an NHS contract, or provide services wholly or mainly under an NHS contract, from charging victims of domestic abuse for the provision of evidence of their injuries.

BARONESS STROUD
 BARONESS FINLAY OF LLANDAFF
 LORD MACKAY OF CLASHFERN
 BARONESS ARMSTRONG OF HILL TOP

- 90 Page 58, line 29, at end insert “including babies and young children aged under two years old, and babies who were in utero at the time of the abuse.”

BARONESS LISTER OF BURTERSETT
 THE LORD BISHOP OF GLOUCESTER
 BARONESS HODGSON OF ABINGER

- 91 Page 58, line 32, at end insert “and any strategy to end violence against women and girls adopted by a Minister of the Crown.”

Member’s explanatory statement

This amendment ensures that statutory guidance issued alongside the Domestic Abuse Bill takes into account any violence against women and girls (VAWG) strategy adopted by the Government, so that efforts to prevent and address domestic abuse are linked to integrated and coordinated responses to tackle VAWG.

LORD RAMSBOTHAM
 BARONESS FINLAY OF LLANDAFF
 BARONESS WHITAKER
 LORD SHINKWIN

- 92 Page 58, line 32, at end insert –

“() Any guidance under this section must include information on –

- (a) the links between –
 - (i) domestic abuse, and
 - (ii) speech, language and communication needs;
- (b) the impact of witnessing domestic abuse on children’s speech, language and communication;
- (c) the services available to support people with speech, language and communication needs who are experiencing domestic abuse and their children, including how support provided by local authorities can be made inclusive and accessible to people with speech, language and communication needs.”

Member’s explanatory statement

This amendment would require that the guidance the Secretary of State issues under the Bill, including to local authorities, includes information on the links between domestic abuse and speech, language and communication needs, the impact of witnessing domestic abuse on children’s speech, language and communication, and the services available to support people with those needs, and their children.

Clause 74

BARONESS LISTER OF BURTERSETT
 BARONESS WILLIAMS OF TRAFFORD
 BARONESS BERTIN
 BARONESS SANDERSON OF WELTON

- 93 Page 59, line 23, after “section” insert “(Controlling or coercive behaviour in an intimate or family relationship) or”

Member’s explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Lister of Burtersett that amends section 76 of the Serious Crime Act 2015.

BARONESS MORGAN OF COTES
 LORD WOLFSON OF TREDEGAR
 LORD JUDGE

- 94 Page 59, line 23, after “section” insert “(Threats to disclose private sexual photographs and films with intent to cause distress) or”

Member’s explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Morgan of Cotes, which extends the offence under section 33 of the Criminal Justice and Courts Act 2015 to threats to disclose private sexual photographs and films.

BARONESS NEWLOVE
 LORD WOLFSON OF TREDEGAR
 BARONESS JONES OF MOULSECOOMB

- 95 Page 59, line 23, after “section” insert “(Strangulation or suffocation) or”

Member’s explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Newlove that provides for an offence of strangulation or suffocation.

LORD WOLFSON OF TREDEGAR

- 95A★ Page 59, line 25, at end insert –
- “(1A) The appropriate national authority may by regulations make provision that is consequential on any provision made by or under section (*Prohibition on charging for the provision of medical evidence of domestic abuse*).
- (1B) In subsection (1A) “the appropriate national authority” means –
- (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers.”

Member’s explanatory statement

This amendment is consequential on the proposed amendment in the name of Lord Wolfson of Tredegar which prevents certain health care professionals who either assess a patient under an NHS contract, or provide services wholly or mainly under an NHS contract, from charging victims of domestic abuse for the provision of evidence of their injuries.

- 95B★ Page 59, line 26, after “power” insert “of the Secretary of State”

Member's explanatory statement

This amendment is consequential on the Minister's amendment at page 59, line 25.

95C★ Page 59, line 29, at end insert –

- “(3) The power of the Welsh Ministers to make regulations under this section may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under primary legislation passed or made before, or in the same session of Parliament as, this Act.
- (4) In subsection (3) “primary legislation” means –
- (a) an Act of Parliament;
 - (b) a Measure or Act of the National Assembly for Wales or an Act of Senedd Cymru.”

Member's explanatory statement

This amendment is consequential on the Minister's amendment at page 59, line 25.

Clause 75

BARONESS LISTER OF BURTERSETT
 BARONESS WILLIAMS OF TRAFFORD
 BARONESS BERTIN
 BARONESS SANDERSON OF WELTON

96 Page 59, line 35, after “section” insert “(Controlling or coercive behaviour in an intimate or family relationship) or”

Member's explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Lister of Burtersett that amends section 76 of the Serious Crime Act 2015.

BARONESS MORGAN OF COTES
 LORD WOLFSON OF TREDEGAR
 LORD JUDGE

97 Page 59, line 35, after “section” insert “(Threats to disclose private sexual photographs and films with intent to cause distress) or”

Member's explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Morgan of Cotes, which extends the offence under section 33 of the Criminal Justice and Courts Act 2015 to threats to disclose private sexual photographs and films.

BARONESS NEWLOVE
 LORD WOLFSON OF TREDEGAR
 BARONESS JONES OF MOULSECOOMB

98 Page 59, line 35, after “section” insert “(Strangulation or suffocation) or”

Member's explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Newlove that provides for an offence of strangulation or suffocation.

LORD WOLFSON OF TREDEGAR

98A★ Page 59, line 37, at end insert –

“(1A) The appropriate national authority may by regulations make such transitional or saving provision as the authority considers appropriate in connection with the coming into force of section (*Prohibition on charging for the provision of medical evidence of domestic abuse*).

(1B) In subsection (1A) “the appropriate national authority” means –

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers.”

Member’s explanatory statement

This amendment is consequential on the proposed amendment in the name of Lord Wolfson of Tredegar which prevents certain health care professionals who either assess a patient under an NHS contract, or provide services wholly or mainly under an NHS contract, from charging victims of domestic abuse for the provision of evidence of their injuries.

98B★ Page 59, line 43, after “(1)” insert “, (1A)”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment at page 59, line 37.

Clause 76

LORD WOLFSON OF TREDEGAR

98C★ Page 60, line 5, leave out “or Lord Chancellor” and insert “, the Lord Chancellor or the Welsh Ministers”

Member’s explanatory statement

This amendment is consequential on the proposed amendment in the name of Lord Wolfson of Tredegar which prevents certain health care professionals who either assess a patient under an NHS contract, or provide services wholly or mainly under an NHS contract, from charging victims of domestic abuse for the provision of evidence of their injuries.

BARONESS WILLIAMS OF TRAFFORD

99 Page 60, line 22, after “section” insert “(Duty to report on domestic abuse services in England)(4),”

Member’s explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Williams of Trafford imposing a duty to report on domestic abuse services in England, and provides that regulations made by the Secretary of State to extend the 12-month period for making the report are not subject to Parliamentary procedure.

LORD WOLFSON OF TREDEGAR

99A★ Page 60, line 24, leave out “or” and insert –

“() regulations of the Secretary of State under section (*Prohibition on charging for the provision of medical evidence of domestic abuse*)(6), or”

Member's explanatory statement

This amendment provides for regulations under subsection (6) of the proposed new Clause in the name of Lord Wolfson of Tredegar, which prevents certain health care professionals who either assess a patient under an NHS contract, or provide services wholly or mainly under an NHS contract, from charging victims of domestic abuse for the provision of evidence of their injuries, to be subject to the draft affirmative procedure.

99B★ Page 60, line 25, after “regulations” insert “of the Secretary of State”

Member's explanatory statement

This amendment is consequential on the Minister's amendments at page 59, lines 25 and 29.

99C★ Page 60, line 27, at end insert –

- “(7) A statutory instrument containing regulations made by the Welsh Ministers under this Act is subject to annulment in pursuance of a resolution made by Senedd Cymru, unless the instrument –
- (a) is required by subsection (8) or any other enactment to be laid before, and approved by a resolution of, Senedd Cymru, or
 - (b) contains only regulations under section 75.
- (8) A statutory instrument that contains (with or without other provisions) –
- (a) regulations of the Welsh Ministers under section (*Prohibition on charging for the provision of medical evidence of domestic abuse*)(6), or
 - (b) regulations of the Welsh Ministers under section 74 that amend or repeal primary legislation (within the meaning of section 74(4)),
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.”

Member's explanatory statement

This amendment is consequential on the proposed amendment in the name of Lord Wolfson of Tredegar which prevents certain health care professionals who either assess a patient under an NHS contract, or provide services wholly or mainly under an NHS contract, from charging victims of domestic abuse for the provision of evidence of their injuries.

Clause 78

BARONESS NEWLOVE
LORD WOLFSON OF TREDEGAR
BARONESS JONES OF MOULSECOOMB

100 Page 60, line 36, after “3” insert “or Schedule (*Strangulation or suffocation: consequential amendments*)”

Member's explanatory statement

This amendment is consequential on the proposed new Schedule in the name of Baroness Newlove relating to the proposed new offence of strangulation or suffocation.

101 Page 60, line 36, after “extent” insert “within the United Kingdom”

Member's explanatory statement

This amendment is consequential on the proposed new Schedule in the name of Baroness Newlove relating to the proposed new offence of strangulation or suffocation.

LORD BEST
THE LORD BISHOP OF MANCHESTER
BARONESS LISTER OF BURTERSETT

- 102 Page 61, line 4, after “sections” insert “(Benefit cap: domestic abuse) and”

Member's explanatory statement

This amendment is consequential to the new Clause in the name of Lord Best with the title "Benefit cap: domestic abuse".

Clause 79

BARONESS MORGAN OF COTES
LORD WOLFSON OF TREDEGAR
LORD JUDGE

- 103 Page 61, line 23, after “Sections” insert “(Threats to disclose private sexual photographs and films with intent to cause distress),”

Member's explanatory statement

This amendment provides for the proposed new clause in the name of Baroness Morgan of Cotes, which extends the offence under section 33 of the Criminal Justice and Courts Act 2015 to threats to disclose private sexual photographs and films, to come into force two months after Royal Assent.

LORD WOLFSON OF TREDEGAR

- 103A★ Page 61, line 29, at end insert –

“() Section (Prohibition on charging for the provision of medical evidence of domestic abuse) comes into force on 1 October 2021.”

Member's explanatory statement

This amendment provides for the proposed new Clause in the name of Lord Wolfson of Tredegar, which prevents certain health care professionals who either assess a patient under an NHS contract, or provide services wholly or mainly under an NHS contract, from charging victims of domestic abuse for the provision of evidence of their injuries, to come into force on 1 October 2021.

In the Title

LORD WOLFSON OF TREDEGAR

- 104 Line 6, after “circumstances;” insert “to make further provision about orders under section 91(14) of the Children Act 1989;”

Member's explanatory statement

This amendment is consequential on the proposed new Clause in the name of Lord Wolfson of Tredegar, which makes further provision about orders under section 91(14) of the Children Act 1989.

BARONESS MORGAN OF COTES
LORD WOLFSON OF TREDEGAR
LORD JUDGE

- 105 Line 6, after “circumstances;” insert “to provide for an offence of threatening to disclose private sexual photographs and films with intent to cause distress;”

Member’s explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Morgan of Cotes, which extends the offence under section 33 of the Criminal Justice and Courts Act 2015 to threats to disclose private sexual photographs and films.

BARONESS NEWLOVE
LORD WOLFSON OF TREDEGAR
BARONESS JONES OF MOULSECOOMB

- 106 Line 6, after “circumstances;” insert “to provide for an offence of strangulation or suffocation;”

Member’s explanatory statement

This amendment is consequential on the proposed new Clause in the name of Baroness Newlove that provides for an offence of strangulation or suffocation.

Domestic Abuse Bill

THIRD
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

10 March 2021
