

Domestic Abuse Bill

MOTIONS TO BE MOVED ON CONSIDERATION OF COMMONS DISAGREEMENT, AMENDMENTS IN LIEU AND REASONS

Clause 2

LORDS AMENDMENTS 1, 2 AND 3

Baroness Williams of Trafford to move, That this House do not insist on its Amendments 1, 2 and 3, to which the Commons have disagreed for their Reasons 1A, 2A and 3A.

Clause 55

LORDS AMENDMENT 9

Lord Wolfson of Tredegar to move, That this House do not insist on its Amendment 9, to which the Commons have disagreed for their Reason 9A.

After Clause 64

LORDS AMENDMENT 33

Lord Wolfson of Tredegar to move, That this House do not insist on its Amendment 33, to which the Commons have disagreed for their Reason 33A.

Before Clause 69

LORDS AMENDMENT 37

Lord Wolfson of Tredegar to move, That this House do not insist on its Amendment 37, to which the Commons have disagreed for their Reason 37A.

Before Clause 69 and After Schedule 2

LORDS AMENDMENTS 38 AND 83

Lord Wolfson of Tredegar to move, That this House do not insist on its Amendments 38 and 83, to which the Commons have disagreed for their Reasons 38A and 83A.

After Clause 72

LORDS AMENDMENT 40

Baroness Williams of Trafford to move, That this House do not insist on its Amendment 40, to which the Commons have disagreed for their Reason 40A.

After Clause 72

LORDS AMENDMENTS 41 AND 43

Baroness Williams of Trafford to move, That this House do not insist on its Amendments 41 and 43, to which the Commons have disagreed for their Reasons 41A and 43A.

The Lord Bishop of Gloucester to move, as an amendment to the Minister's motion, at end insert "and do propose the following amendment in lieu of Amendment 41 –

Insert the following new Clause –

"Recourse to public funds for duration of pilot scheme

- (1) For the duration of the pilot Support for Migrant Victims Scheme announced by the Government on 14 April 2021, the Secretary of State must make provision that a person who –
 - (a) is a victim of domestic abuse; and
 - (b) provides evidence in one or more of the forms in subsection (3);
 shall not be subject to restrictions on recourse to public funds, due to their immigration status, provided for in the provisions listed in subsection (2).
- (2) The provisions referred to in subsection (1) are –
 - (a) section (3)(1)(c)(ii) of the Immigration Act 1971;
 - (b) section 115 of the Immigration and Asylum Act 1999;
 - (c) Schedule 3 to the Nationality, Immigration and Asylum Act 2002;
 - (d) section 21 of the Immigration Act 2014.
- (3) For the purposes of this section, evidence that a person is a victim of domestic abuse may consist of one or more of the following –
 - (a) a relevant conviction, police caution or protection notice;
 - (b) a relevant court order (including without notice, ex parte, interim or final orders), including a non-molestation undertaking or order, occupation order, domestic abuse protection order, forced marriage protection order or other protective injunction;
 - (c) evidence of relevant criminal proceedings for an offence concerning domestic violence or a police report confirming attendance at an incident resulting from domestic abuse;
 - (d) evidence that a victim has been referred to a multi-agency risk assessment conference;
 - (e) a finding of fact in the family courts of domestic abuse;
 - (f) a medical report from a doctor at a UK hospital confirming injuries or a condition consistent with being a victim of domestic abuse;

- (g) a letter from a General Medical Council registered general practitioner confirming that he or she is satisfied on the basis of an examination that a person had injuries or a condition consistent with those of a victim of domestic abuse;
 - (h) an undertaking given to a court by the alleged perpetrator of domestic abuse that he or she will not approach the applicant who is the victim of the abuse;
 - (i) a letter from a social services department confirming its involvement in providing services to a person in respect of allegations of domestic abuse;
 - (j) a letter of support or a report from a domestic abuse support organisation; or
 - (k) other evidence of domestic abuse, including from a counsellor, midwife, school, witness or the victim.
- (4) The Secretary of State must, within 2 months of the completion of the pilot Support for Migrant Victims Scheme announced by the Government on 14 April 2021 –
- (a) consult the Domestic Abuse Commissioner and specialist organisations that work with victims of abuse on the impact of this section on victims;
 - (b) publish a strategy for the long-term provision of support for victims of domestic abuse who do not have leave to remain or have leave to remain subject to a condition under section 3(1)(c) of the Immigration Act 1971.”

After Clause 72

LORDS AMENDMENT 42

Baroness Williams of Trafford to move, That this House do not insist on its Amendment 42 and do agree with the Commons in their Amendments 42A, 42B and 42C in lieu.

Baroness Royall of Blaisdon to move, as an amendment to the Minister’s motion, to leave out from “Amendment 42” to end and insert “, do disagree with the Commons in their Amendments 42A, 42B and 42C and do propose the following Amendments in lieu –

Before Clause 69 insert the following new Clause –

“Identification, monitoring and management of serial domestic abuse and stalking perpetrators

- (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

- (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 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.”
- (4) The Secretary of State must, before the end of the period of 12 months beginning with the day on which this Act is passed—
 - (a) commission a review into the operation of the provisions in this section;
 - (b) prepare and publish a document setting out a strategy for the prosecution and management of domestic abuse and stalking offenders.
- (5) A strategy under subsection (4)(b) must include provisions for—
 - (a) detecting, investigating and prosecuting offences involving domestic abuse or stalking,
 - (b) assessing and managing the risks posed by individuals who commit offences involving domestic abuse or stalking, and
 - (c) reducing the risk that such individuals commit further offences involving domestic abuse or stalking.
- (6) The Secretary of State—
 - (a) must keep the strategy under review;
 - (b) may revise it.
- (7) If the Secretary of State revises the strategy, the Secretary of State must publish a document setting out the revised strategy.
- (8) In preparing or revising a strategy 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.
- (9) Subsection (7) does not apply in relation to any revisions of the strategy if the Secretary of State considers the proposed revisions of the strategy are insubstantial.””

In Clause 75, page 59, line 8, after “section” insert “(*Identification, monitoring and management of serial domestic abuse and stalking perpetrators*);”

In Clause 79, page 60, line 32, at end insert –

“() section (*Identification, monitoring and management of serial domestic abuse and stalking perpetrators*);”

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