



26 January 2021

My Lords,

DOMESTIC ABUSE BILL: GOVERNMENT AMENDMENTS FOR COMMITTEE

I am writing to provide colleagues with details of the Government amendments (copy attached) we have tabled for Lords Committee stage.

Domestic Abuse Protection Orders (DAPOs) (amendments to clauses 33 and 34)

During the debate in Commons Committee on Part 3 of the Bill, the Minister for Safeguarding (Victoria Atkins) undertook to consider further Jess Phillips's amendments seeking to provide that Domestic Abuse Protection Notices (DAPNs) and Domestic Abuse Protection Orders (DAPOs) may include requirements restricting the perpetrator's access to the victim's place of work (House of Commons, Public Bill Committee, Official Report, 10 June 2020, col. 180). This was an issue which was again raised at Second Reading on Tuesday.

We recognise that targeting a victim's place of work is a tactic commonly used by domestic abuse perpetrators to cause distress, exercise coercive control and even to physically harm their victims. However, the Bill as currently drafted already enables a victim to be protected in the workplace.

Clause 33(1) provides that a DAPO may impose any requirements that the court considers necessary to protect the victim from domestic abuse or the risk of domestic abuse – we would expect this power to include imposing requirements which restrict the perpetrator's access to the premises where the victim works, if the court were to consider doing so to be necessary and proportionate based on the specific facts of each individual case.

That said, we see a case for making express provision to the effect that a DAPO may include a requirement that the perpetrator may not come within a specified distance of any specified premises or premises of a specified description. The amendment to clause 33 does just that.

This amendment would cover not only the victim's place of work, but also other places where the victim may regularly be found, such as their place of worship or their children's school.

As a corollary, the amendment to clause 34 would make it clear that requirements imposed on a person by a DAPO (such as, for example, requirements prohibiting the person from coming within a specified distance of particular premises) must, so far as practicable, avoid interference with the person's work or with the person's attendance at an educational establishment. This would not preclude a court from imposing such a requirement where it was necessary to protect the victim (in particular, in cases where the victim and the perpetrator work in the same place or attend the same educational institution), but the amendment reflects the necessary balancing exercise to be undertaken by the court.

In relation to DAPNs, clause 20(2) prohibits the perpetrator from being abusive towards the person to be protected by the notice, which would apply to abuse of the victim in the workplace. Furthermore, clause 21(1)(a) already provides that a DAPN may prohibit the perpetrator from contacting the victim in any way – this would also apply to contacting the victim at their place of work, even if the perpetrator and the victim work in the same place. We believe that these existing provisions in the Bill are sufficient to protect victims at their place of work and are appropriate for a police-issued notice pending the making of a substantive court order.

Statutory guidance (amendments to clause 73)

Clause 73 makes provision for the Secretary of State to issue guidance in relation to, amongst other things, "other matters relating to domestic abuse in England and Wales" (clause 73(1)(b)). Clause 73(6)(b) requires the Secretary of State to consult the Welsh Ministers, so far as any guidance relates to a devolved Welsh authority.

Following discussions with the Welsh Government, the amendments to clause 73 ensure that any guidance issued under this clause cannot relate to devolved matters in Wales.

Prohibition of cross-examination in person in family proceedings (amendments to clause 63)

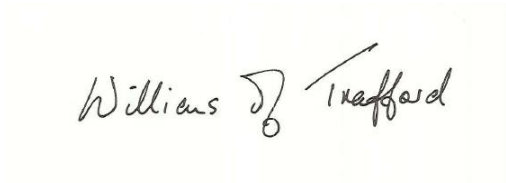
These are minor technical and drafting amendments as described in the explanatory notes accompanying the amendments.

Non-fatal strangulation

Baroness Newlove has tabled two new clauses relating to non-fatal strangulation. The first amendment creates a new offence of non-fatal strangulation and will have general application, applying to all cases where non-fatal strangulation is committed. The second new clause would create a new offence of non-fatal strangulation limited to where the behaviour occurs within the context of domestic abuse.

The Government supports the intention behind these amendments and has given a commitment to consider a new offence of non-fatal strangulation. We are keen, however, to ensure that any new offence is proportionate, allows for more prosecutions to be brought and for convictions to be secured. There are several legal technical issues to address in order to achieve this which we do not think are addressed by the amendments currently tabled. The Government is therefore looking at these issues, but intends to introduce a new offence at the earliest opportunity.

I am placing a copy of the letter and enclosure in the libraries of both Houses.

A handwritten signature in black ink on a light yellow background. The signature reads "Williams of Trafford" in a cursive style. The word "Williams" is on the left, followed by a stylized "of" in the middle, and "Trafford" on the right.

Baroness Williams of Trafford