



Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015

2015 anaw 3

General

24 Interpretation

(1) In this Act—

“abuse” (“*cam-drin*”) means physical, sexual, psychological, emotional or financial abuse;

“domestic abuse” (“*cam-drin domestig*”) means abuse where the victim of it is or has been associated with the abuser;

“financial year” (“*blwyddyn ariannol*”) means a period of 12 months ending on 31 March;

“gender-based violence” (“*trais ar sail rhywedd*”) means—

- (a) violence, threats of violence or harassment arising directly or indirectly from values, beliefs or customs relating to gender or sexual orientation;
- (b) female genital mutilation;
- (c) forcing a person (whether by physical force or coercion by threats or other psychological means) to enter into a religious or civil ceremony of marriage (whether or not legally binding);

“local authority” (“*awdurdod lleol*”) means the council of a county or county borough in Wales;

“Local Health Board” (“*Bwrdd Iechyd Lleol*”) means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 (c.42);

“purpose of this Act” (“*diben y Ddeddf hon*”) means the purpose in section 1;

“relevant authority” (“*awdurdod perthnasol*”) has the meaning given by section 14;

“sexual violence” (“*trais rhywiol*”) means sexual exploitation, sexual harassment, or threats of violence of a sexual nature;

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“statutory guidance” (“*canllawiau statudol*”) means guidance under section 15.

- (2) A person is associated with another person for the purpose of the definition of “domestic abuse” in subsection (1) if—
- (a) they are or have been married to each other;
 - (b) they are or have been civil partners of each other;
 - (c) they live or have lived together in an enduring family relationship (whether they are of different sexes or the same sex);
 - (d) they live or have lived in the same household; and for this purpose a person is a member of another person's household if—
 - (i) the person normally lives with the other person as a member of his or her family, or
 - (ii) the person might reasonably be expected to live with that other person;
 - (e) they are relatives;
 - (f) they have agreed to marry one another (whether or not that agreement has been terminated);
 - (g) they have entered into a civil partnership agreement between them (whether or not that agreement has been terminated);
 - (h) they have or have had an intimate personal relationship with each other;
 - (i) in relation to a child, each of them is a parent of the child or has, or has had, parental responsibility for the child.
- (3) If a child has been adopted or falls within subsection (4), two persons are also associated with each other for the purposes of the definition of “domestic abuse” in subsection (1) if—
- (a) one is a natural parent of the child or a parent of such a natural parent, and
 - (b) the other is—
 - (i) the child, or
 - (ii) a person who has become a parent of the child by virtue of an adoption order, who has applied for an adoption order or with whom the child has at any time been placed for adoption.
- (4) A child falls within this subsection if—
- (a) an adoption agency, within the meaning of section 2 of the Adoption and Children Act 2002 (c.38), is authorised to place the child for adoption under section 19 of that Act (placing children with parental consent) or the child has become the subject of an order under section 21 of that Act (placement orders), or
 - (b) the child is freed for adoption by virtue of an order made—
 - (i) in England and Wales, under section 18 of the Adoption Act 1976 (c.36), or
 - (ii) in Northern Ireland, under Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203), or
 - (c) the child is the subject of a Scottish permanence order which includes granting authority to adopt.
- (5) In this section—

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“adoption order” (“*gorchymyn mabwysiadu*”) means an adoption order within the meaning of section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002;

“child” (“*plentyn*”) means a person under the age of 18 years;

“civil partnership agreement” (“*cytundeb partneriaeth sifil*”) has the meaning given by section 73 of the Civil Partnership Act 2004 (c.33);

“female genital mutilation” (“*anffurfio organau cenhedlu benywod*”) means an act that is an offence under sections 1, 2 or 3 of the Female Genital Mutilation Act 2003 (c.31);

“financial abuse” (“*cam-drin ariannol*”) means—

- (a) having money or other property stolen,
- (b) being defrauded,
- (c) being put under pressure in relation to money or other property, and
- (d) having money or other property misused;

“harassment” (“*aflonyddu*”) means a course of conduct by a person which he or she knows or ought to know amounts to harassment of the other; and for the purpose of this definition—

- (a) a person ought to know that his or her conduct amounts to or involves harassment if a reasonable person in possession of the same information would think the course of conduct amounted to or involved harassment of another person, and
- (b) “conduct” includes speech;

“sexual exploitation” (“*camfanteisio rhywiol*”) means something that is done to or in respect of a person which—

- (a) involves the commission of an offence under Part 1 of the Sexual Offences Act 2003 (c.42), as it has an effect in England and Wales, or
- (b) would involve the commission of such an offence if it were done in England and Wales;

“parental responsibility” (“*cyfrifoldeb rhiant*”) has the meaning given by section 3 of the Children Act 1989 (c.41);

“relative” (“*perthynas*”), in relation to a person, means that person's parent, grandparent, child, grandchild, brother, half-brother, sister, half-sister, uncle, aunt, nephew, niece (including any person who is or has been in that relationship by virtue of a marriage or civil partnership or an enduring family relationship).

25 Commencement

- (1) The following provisions come into force on the day this Act receives Royal Assent—
 - section 1;
 - section 24;
 - this section;
 - section 26.
- (2) Section 10 and sections 14 to 21 come into force two months after the day on which this Act receives Royal Assent.
- (3) The remaining provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.

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- (4) An order under subsection (3) may—
- (a) appoint different days for different purposes;
 - (b) include such transitory or transitional provision as the Welsh Ministers consider appropriate.

26 Short title

The short title of this Act is the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

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