



# Domestic Violence, Crime and Victims Act 2004

## 2004 CHAPTER 28

### PART 1

#### DOMESTIC VIOLENCE ETC

*[<sup>F1</sup>Causing or allowing a child or vulnerable adult to die or suffer serious physical harm]*

#### **[<sup>F1</sup>6A Evidence and procedure in cases of serious physical harm: England and Wales**

- (1) Subsections (3) to (5) apply where a person (“the defendant”) is charged in the same proceedings with a relevant offence and with an offence under section 5 in respect of the same harm (“the section 5 offence”).
- (2) In this section “relevant offence” means—
  - (a) an offence under section 18 or 20 of the Offences against the Person Act 1861 (grievous bodily harm etc);
  - (b) an offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit murder;
  - <sup>F2</sup>(c) [ an offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation).]
- (3) Where by virtue of section 35(3) of the Criminal Justice and Public Order Act 1994 a court or jury is permitted, in relation to the section 5 offence, to draw such inferences as appear proper from the defendant's failure to give evidence or refusal to answer a question, the court or jury may also draw such inferences in determining whether the defendant is guilty of a relevant offence, even if there would otherwise be no case for the defendant to answer in relation to that offence.
- (4) The charge of the relevant offence is not to be dismissed under paragraph 2 of Schedule 3 to the Crime and Disorder Act 1998 (unless the section 5 offence is dismissed).

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**Changes to legislation:** Domestic Violence, Crime and Victims Act 2004, Section 6A is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (5) At the defendant's trial the question whether there is a case for the defendant to answer on the charge of the relevant offence is not to be considered before the close of all the evidence (or, if at some earlier time the defendant ceases to be charged with the section 5 offence, before that earlier time).]

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#### Textual Amendments

- F1** S. 6A inserted (2.7.2012) by [Domestic Violence, Crime and Victims \(Amendment\) Act 2012 \(c. 4\)](#), ss. 2, 4(2); S.I. 2012/1432, art. 2
- F2** S. 6A(2)(c) inserted (7.6.2022) by [Domestic Abuse Act 2021 \(c. 17\)](#), s. 90(6), [Sch. 2 para. 8](#); S.I. 2022/553, regs. 1(2), 3(b)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 9 para. 26A inserted by [2015 c. 2 Sch. 3 para. 12](#)