



# Domestic Abuse Act 2021

## 2021 CHAPTER 17

### PART 3

#### POWERS FOR DEALING WITH DOMESTIC ABUSE

PROSPECTIVE

*Notices and orders: supplementary*

#### **50 Guidance**

- (1) The Secretary of State must issue guidance relating to the exercise by relevant persons of functions under or by virtue of this Part.
- (2) In this section “relevant person” means—
  - (a) a constable;
  - (b) a person specified in regulations under subsection (2)(c) of section 28 for the purpose of making applications for orders under that section.
- (3) A relevant person must have regard to any guidance issued under this section when exercising a function to which the guidance relates.
- (4) The Secretary of State may from time to time revise any guidance issued under this section.
- (5) Before issuing or revising guidance 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.
- (6) Subsection (5) does not apply in relation to any revisions of guidance issued under this section if the Secretary of State considers the proposed revisions of the guidance are insubstantial.

---

*Status: This version of this cross heading contains provisions that are prospective.*  
*Changes to legislation: There are currently no known outstanding effects for the Domestic Abuse Act 2021, Cross Heading: Notices and orders: supplementary. (See end of Document for details)*

---

- (7) The Secretary of State must publish—
- (a) any guidance issued under this section, and
  - (b) any revisions of that guidance.

#### **51 Data from electronic monitoring: code of practice**

- (1) The Secretary of State must issue a code of practice relating to the processing of data gathered in the course of electronic monitoring of individuals under electronic monitoring requirements imposed by domestic abuse protection orders.
- (2) A failure to act in accordance with a code issued under this section does not of itself make a person liable to any criminal or civil proceedings.

#### **52 Powers to make other orders in proceedings under this Part**

- (1) In section 8 of the Children Act 1989 (child arrangements orders and other orders with respect to children), in subsection (4), at the end insert—
  - “(k) Part 3 of the Domestic Abuse Act 2021, where the proceedings are in the family court or the Family Division of the High Court.”
- (2) In Part 4 of the Family Law Act 1996 (family homes and domestic violence), in section 63(2) (definition of “family proceedings”), after paragraph (j) insert—
  - “(k) Part 3 of the Domestic Abuse Act 2021, where the proceedings are in the family court or the Family Division of the High Court.”

#### **53 Proceedings not to be subject to conditional fee agreements**

In section 58A of the Courts and Legal Services Act 1990 (conditional fee agreements: supplementary), in subsection (2), after paragraph (fd) (but before the “and” following it) insert—

- “(fe) proceedings under Part 3 of the Domestic Abuse Act 2021 (proceedings for domestic abuse protection order), where the proceedings are in the family court or the Family Division of the High Court;”.

#### **54 Consequential amendments of the Sentencing Code**

- (1) The Sentencing Code is amended as follows.
- (2) In section 80 (order for conditional discharge), in subsection (3), at the end insert—
  - “(f) section 39(6) of the Domestic Abuse Act 2021 (breach of domestic abuse protection order).”
- (3) In Chapter 6 of Part 11 (other behaviour orders), before section 379 (but after the heading “Other orders”) insert—

##### **“378A Domestic abuse protection orders**

See Part 3 of the Domestic Abuse Act 2021 (and in particular section 31(3) of that Act) for the power of a court to make a domestic abuse protection order when dealing with an offender for an offence.”

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Domestic Abuse Act 2021, Cross Heading: Notices and orders: supplementary. (See end of Document for details)*

## **55 Repeal of provisions about domestic violence protection notices and orders**

- (1) In the Crime and Security Act 2010, omit sections 24 to 33 (which make provision for domestic violence protection notices and domestic violence protection orders).
- (2) In consequence of the repeal made by subsection (1), omit the following provisions—
  - (a) in Schedule 8 to the Crime and Courts Act 2013, paragraph 179;
  - (b) in Schedule 14 to the Policing and Crime Act 2017, paragraph 7(g).

## **56 Interpretation of Part 3**

- (1) In this Part—
  - “chief officer of police” means—
    - (a) in relation to a police force maintained by a local policing body, the chief officer of police of that force;
    - (b) in relation to the British Transport Police Force, the Chief Constable of the Force;
    - (c) in relation to the Ministry of Defence Police, the Chief Constable of the Ministry of Defence Police;
  - “domestic abuse protection notice” has the meaning given by section 22(2);
  - “domestic abuse protection order” has the meaning given by section 27(1);
  - “electronic monitoring requirement” has the meaning given by section 35(6);
  - “family proceedings” means—
    - (a) proceedings in the family court (other than proceedings under or by virtue of this Part), and
    - (b) family proceedings within the meaning of Part 5 of the Matrimonial and Family Proceedings Act 1984;
  - “home address”, in relation to a person, means—
    - (a) the address of the person's sole or main residence in the United Kingdom, or
    - (b) if the person has no such residence—
      - (i) the address or location of a place in the United Kingdom where the person can regularly be found;
      - (ii) if there is more than one such place, the address or location of whichever one of those places the person selects;
  - “relevant police force” has the meaning given by section 22(8);
  - “requirement”, in relation to a domestic abuse protection order, is to be read in accordance with section 35(1);
  - “senior police officer” has the meaning given by section 22(8).
- (2) Any reference to a member of a police force includes, in the case of a police force maintained by a local policing body, a reference to a special constable appointed by the chief officer of police of that force.
- (3) Any reference to changing home address includes a reference to a case where—
  - (a) a person acquires a home address at any time, and
  - (b) immediately before that time, the person did not have a home address.
- (4) See also—

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Domestic Abuse Act 2021, Cross Heading: Notices and orders: supplementary. (See end of Document for details)*

---

- (a) section 1 (definition of “domestic abuse”);
- (b) section 2 (definition of “personally connected”).

**Status:**

This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Domestic Abuse Act 2021, Cross  
Heading: Notices and orders: supplementary.