



# Domestic Abuse Act 2021

## 2021 CHAPTER 17

### PART 5

#### PROTECTION FOR VICTIMS, WITNESSES, ETC IN LEGAL PROCEEDINGS

##### *Special measures*

#### **62 Special measures in criminal proceedings for offences involving domestic abuse**

- (1) Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (giving of evidence or information for purposes of criminal proceedings: special measures directions in case of vulnerable and intimidated witnesses) is amended as follows.
- (2) In section 17 (witnesses eligible for assistance on grounds of fear or distress about testifying)—
  - (a) in subsection (4), for “a sexual offence or an offence under section 1 or 2 of the Modern Slavery Act 2015” substitute “an offence listed in subsection (4A)”;
  - (b) after subsection (4) insert—

“(4A) The offences are—

    - (a) a sexual offence;
    - (b) an offence under section 1 or 2 of the Modern Slavery Act 2015;
    - (c) any other offence where it is alleged that the behaviour of the accused amounted to domestic abuse within the meaning of the Domestic Abuse Act 2021 (see section 1 of that Act).”
- (3) In section 25(4)(a) (evidence given in private), for “a sexual offence or an offence under section 1 or 2 of the Modern Slavery Act 2015” substitute “an offence listed in section 17(4A)”.

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

**Commencement Information**

**II** S. 62 in force at 19.5.2022 for specified purposes by S.I. 2022/553, regs. 1(2), 2(1)(a)

**63 Special measures in family proceedings: victims of domestic abuse**

- (1) This section applies where rules of court provide that the court may make a special measures direction in relation to a person (“P”) who is a party or witness in family proceedings.
- (2) Rules of court must provide that where P is, or is at risk of being, a victim of domestic abuse carried out by a person listed in subsection (3), it is to be assumed that the following matters are likely to be diminished by reason of vulnerability—
  - (a) the quality of P’s evidence;
  - (b) where P is a party to the proceedings, P’s participation in the proceedings.
- (3) The persons referred to in subsection (2) are—
  - (a) a party to the proceedings;
  - (b) a relative of a party to the proceedings (other than P);
  - (c) a witness in the proceedings.
- (4) Rules of court may provide for an exception to the provision made by virtue of subsection (2) where P does not wish to be deemed to be eligible for the making of a special measures direction by virtue of that subsection.
- (5) In this section—
  - “family proceedings” has the meaning given by section 75(3) of the Courts Act 2003;
  - “relative” has the meaning given by section 63(1) of the Family Law Act 1996;
  - “special measures” means such measures as may be specified by rules of court for the purpose of assisting a person to give evidence or participate in proceedings;
  - “special measures direction” means a direction by the court granting special measures.

**Commencement Information**

**I2** S. 63 in force at 1.10.2021 by S.I. 2021/1038, reg. 2(d)

**64 Special measures in civil proceedings: victims of domestic abuse etc**

- (1) Rules of court must make provision enabling the court to make a special measures direction in relation to a person who is a party or witness in civil proceedings where that person—
  - (a) is, or is at risk of being, a victim of domestic abuse;
  - (b) is the victim, or alleged victim, of a specified offence.
- (2) Rules made by virtue of subsection (1) must, in particular, provide for the court to consider—

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

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- (a) whether—
    - (i) the quality of the person's evidence, or
    - (ii) where the person is a party to the proceedings, the person's participation in the proceedings,is likely to be diminished by reason of vulnerability, and
  - (b) if so, whether it is necessary to make one or more special measures directions.
- (3) For the purposes of this section—
- (a) a person is the victim of a specified offence if another person has been convicted of, or given a caution for, the offence;
  - (b) a person is the alleged victim of a specified offence if another person has been charged with the offence.
- (4) In this section—
- “civil proceedings” means—
    - (a) proceedings in the county court,
    - (b) proceedings in the High Court, other than—
      - (i) proceedings in the Family Division of the High Court which are business assigned, by or under section 61 of (and Schedule 1 to) the Senior Courts Act 1981, to that Division of the High Court and no other, and
      - (ii) proceedings in the exercise of its jurisdiction under the Extradition Act 2003, and
    - (c) proceedings in the civil division of the Court of Appeal;“special measures” means such measures as may be specified by rules of court for the purpose of assisting a person to give evidence or participate in proceedings;
  - “special measures direction” means a direction by the court granting special measures;
  - “specified offence” means an offence which is specified, or of a description specified, in regulations made by the Lord Chancellor.

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**Commencement Information**

**I3** S. 64 in force at 14.6.2022 by S.I. 2022/553, regs. 1(2), 4

**Changes to legislation:**

There are currently no known outstanding effects for the Domestic Abuse Act 2021, Cross  
Heading: Special measures.