
STATUTORY INSTRUMENTS

2021 No. 797 (C. 43)

**DOMESTIC ABUSE, ENGLAND AND WALES
HOUSING, ENGLAND
PROBATION, ENGLAND AND WALES
PRISONS, ENGLAND AND WALES**

The Domestic Abuse Act 2021 (Commencement
No. 1 and Saving Provisions) Regulations 2021

Made - - - - *30th June 2021*

The Secretary of State, in exercise of the powers conferred by section 90(6), (7) and (8) of the Domestic Abuse Act 2021⁽¹⁾, makes the following Regulations.

Citation, interpretation and extent

1.—(1) These Regulations may be cited as the Domestic Abuse Act 2021 (Commencement No. 1 and Saving Provisions) Regulations 2021.

(2) In these Regulations “the Act” means the Domestic Abuse Act 2021.

(3) These Regulations extend to England and Wales.

Provisions coming into force on 5th July 2021

2.—(1) Sections 1 (definition of “domestic abuse”) and 2 (definition of “personally connected”) of the Act come into force on 5th July 2021 only for the purposes of—

- (a) sections 75 (strategy for prosecution and management of offenders), 76 (polygraph conditions for offenders released on licence) and 83 (report on the use of contact centres in England) of the Act; and
- (b) sections 177 (whether it is reasonable to continue to occupy accommodation), 179 (duty of local housing authority in England to provide advisory services), 189 (priority need for accommodation) and 198 (referral of case to another local housing authority)

of the Housing Act 1996(2) and article 6 of the Homelessness (Priority Need for Accommodation) (England) Order 2002(3).

(2) Section 78 (homelessness: victims of domestic abuse) of the Act comes into force on 5th July 2021.

Provisions coming into force in the specified areas for the specified period

3.—(1) Section 76 of the Act comes into force in relation to the areas specified in paragraph (2) for the period specified in paragraph (3).

(2) The areas specified are the following police areas(4)—

- (a) Cheshire;
- (b) Cleveland;
- (c) Cumbria;
- (d) Durham;
- (e) Greater Manchester;
- (f) Humberside;
- (g) Lancashire;
- (h) Lincolnshire;
- (i) Merseyside;
- (j) Northumbria;
- (k) North Yorkshire;
- (l) South Yorkshire; and
- (m) West Yorkshire.

(3) The period specified begins on 5th July 2021 and ends at the end of 5th July 2024.

Savings

4.—(1) Notwithstanding the coming into force of section 78(3) of the Act by virtue of regulation 2(2), section 178 of the Housing Act 1996 (meaning of associated person) continues to have effect in relation to—

- (a) section 34 of the Deregulation Act 2015(5) (further exemptions to section 33); and
- (b) section 27 of the Housing and Planning Act 2016(6) (prohibition on certain disposals).

(2) A polygraph condition included in a licence during the period specified in regulation 3(3) continues to apply after the end of that period and section 76 of the Act continues to have effect after the end of the period specified in regulation 3(3) in relation to any such polygraph condition included in a licence during that period.

(2) 1996 c. 52; section 177 was amended by section 10(1) of the Homelessness Act 2002 (c. 7); section 179 was substituted by section 2 of the Homelessness Reduction Act 2017 (c. 13); in section 179(5) words were substituted by paragraph 141 of Schedule 24 to the Sentencing Act 2020 (c. 17); section 198(A1) was added by section 5(8) of the Homelessness Reduction Act 2017 (c. 13).

(3) S.I. 2002/2051.

(4) The term “police area” has the meaning ascribed to it in section 101(1) of the Police Act 1996 (c. 16) by virtue of Schedule 1 to the Interpretation Act 1978 (c. 30). The police areas are listed in Schedule 1 to the Police Act 1996.

(5) 2015 c. 20.

(6) 2016 c. 22.

30th June 2021

Kit Malthouse
Minister of State
Ministry of Justice

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force on 5th July 2021 sections 1 and 2 (for limited purposes), section 76 (in specified areas for a specified period) and section 78 of the Domestic Abuse Act 2021 (c. 17) (“the Act”).

Regulation 2(1) brings into force the definitions of “domestic abuse” and “personally connected” in sections 1 and 2 respectively of the Act. The definitions are commenced only for the purposes of: section 76 of the Act, which is brought into force for limited purposes by these Regulations; sections 75 and 83 of the Act, which were brought into force on the day on which the Act was passed in accordance with section 90(1) of the Act; sections 177, 179, 189 and 198 of the Housing Act 1996 (c. 52) (“the 1996 Act”) and article 6 of the Homelessness (Priority Need for Accommodation) (England) Order 2002 (S.I. 2002/2051) which are amended by section 78 of the Act, which is brought into force by these Regulations.

Regulation 2(2) brings into force section 78 of the Act.

Section 78 amends Part 7 of the 1996 Act (homelessness: England) by creating a new priority need category for persons who are homeless as a result of being a victim of domestic abuse. Sections 78(2), and 78(4) to 78(7) of the Act amend sections 177, 179, 189, 198 and 218 of the Housing Act 1996.

Section 78(3) of the Act repeals section 178 of the 1996 Act (meaning of associated person), and section 78(9) of the Act makes amendments consequential on that repeal.

Section 78(8) amends article 6 of the Homelessness (Priority Need for Accommodation) (England) Order 2002 (S.I. 2002/2051).

Regulation 3 brings into force for limited purposes section 76 of the Act, which enables the Secretary of State to include polygraph conditions for certain offenders released on licence. The provision is being commenced in 13 police areas in the North of England, as specified in regulation 3(2), as part of a pilot scheme running from 5th July 2021 to 5th July 2024, as specified in regulation 3(3).

Regulation 4(1) contains a saving in relation to section 78(3) of the Act for the purposes of section 4 of the Deregulation Act 2015 and section 27 of the Housing and Planning Act 2016.

Regulation 4(2) contains a saving in relation to polygraph conditions included in a licence as part of the pilot scheme brought into force by regulation 3.

An impact assessment has not been published for these Regulations as no impact on the private, voluntary or public sectors is foreseen independent of the provisions these Regulations bring into force. An impact assessment has been published in relation to the Domestic Abuse Bill and copies can be obtained from the Ministry of Justice, 102 Petty France, London, SW1H 9AJ or from this website: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904498/ANNEX_A-_20200708_Domestic_Abuse_Bill_Enactment_IA_July_2020-_FINAL.pdf.