



The Domestic Abuse Act (2021)

1 What is it?

The Domestic Abuse Act was signed into law on 29 April 2021.

2 Purpose

The Domestic Abuse Act is designed to provide further protections to victims of domestic abuse, as well as strengthen measures to tackle perpetrators. It also established the role of the Domestic Abuse Commissioner (DAC), currently held by Nicole Jacobs.

“Children are now defined as victims if they experience the effects of abuse”

3 Statutory definition

The Act established a new statutory definition of domestic abuse. For the definition to apply, both parties must be aged 16 or over and ‘personally connected’.

‘Personally connected’ is defined in the Act as parties who:

- Have ever been in an intimate personal relationship, engaged, married, or in a civil partnership.
- Have had parental relationship to the same child.
- Are relatives.

‘Abusive behaviour’ is defined in the Act as any of the following:

- Physical or sexual abuse
- Violence or threatening behaviour
- Controlling or coercive behaviour
- Economic abuse
- Psychological, emotional or other abuse

4 Children as victims of domestic abuse

Children are now defined as victims if they experience the effects of the abuse and the individuals involved have a parental responsibility or are a relative.

5 Other key changes

The law on coercive control has been widened.

The offence now covers all of the 'personally connected' relationships.

A person cannot consent to Actual Bodily Harm (ABH) or higher offences for sexual gratification.

This eliminates the rough sex defence. There is also a new offence of non-fatal strangulation.

It is illegal to disclose or threaten to disclose private photographs.

It is now an offence to threaten to disclose private photographs (whether they exist or not) to cause distress to the victim.

Perpetrators of domestic abuse are no longer allowed to cross-examine victims in family and civil proceedings.

Domestic abuse and homelessness.

Individuals who are homeless due to domestic abuse have a 'priority need'.

Secure tenancies.

When victims with a secure tenancy are seeking a sole tenancy on an existing or new property due to domestic abuse, the new tenancy should be secure as well.

Safe accommodation.

The Act includes a definition of what safe accommodation for victims of domestic abuse includes, which local authorities must follow. As well as being safe, there should also be a package of practical support for its residents, including children.

Medical evidence must be free of charge.

No fees can be charged for 'relevant medical evidence' from 'registered health care professionals' or anyone working within the NHS.

“The Act created a statutory definition of domestic abuse”

6 Sefton Domestic Abuse Partnership Board

One of the measures in the Act places a statutory duty on local authorities in England in relation to safe accommodation. The statutory framework around this includes appointing a multi-agency partnership board. In Sefton, this is the Sefton Domestic Abuse Partnership Board which is responsible for delivery of Sefton's Domestic Abuse Strategy.

7 Further information

Please note, this briefing focuses on the key changes of the DA Act 2021. There are other changes not mentioned which can be found in the Government DA Act Factsheets.

Domestic Abuse Bill 2020 – factsheets:

www.gov.uk/government/publications/domestic-abuse-bill-2020-factsheets

Sefton Domestic Abuse Partnership Board, Strategy and action plan:

www.sefton.gov.uk/domestic-abuse/sefton-domestic-abuse-partnership-board-strategy-and-action-plan/