

The Domestic Abuse Act 2021



[The Domestic Abuse Act 2021](#) became law in April 2021 and marks a significant step towards providing further protections to the millions of people suffering from Domestic Abuse.

The Act has four main objectives relating to Domestic Abuse

- To promote awareness.
- To protect and support victims.
- To transform the justice process.
- To improve performance of the justice system.

There are 7 key parts to the Act as follows

Part one – Creates a statutory definition of Domestic Abuse

Under the Act the new legal definition of domestic abuse is defined as any incident or pattern of incidents of physical or sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, economic abuse, psychological, emotional or other abuse between those aged 16 and over and personally connected to each other. The act also recognises post-separation abuse through coercive and controlling behaviour. It no longer makes it a requirement for perpetrators and victims to either still be in a relationship or to still live together. The act also recognises children as victims of domestic abuse. This is the first time that a child who sees or hears, or experiences domestic abuse, and is related to the person being abused or the perpetrator, is also to be regarded as a victim of domestic abuse in their own right.

Part Two – Domestic Abuse Commissioner

Nicole Jacobs has been appointed as the new Domestic Abuse Commissioner and has specific powers that will help to improve the response to Domestic Abuse. The new role will help drive consistency and better performance in the response to domestic abuse across all local areas and hold both government and agencies to account.

Part Three – Powers for dealing with Domestic Abuse

The Act introduces a new civil Domestic Abuse Protection Notice (DAPN) and a new civil Domestic Abuse Protection Order (DAPO). These are alternative application routes to consolidate the existing array of protection orders relating to domestic abuse, such as Domestic Violence Protection Orders and non-molestation orders.

Part Four – Local Authority Support

The Act has placed a statutory duty on tier one local authorities to provide support to victims of domestic abuse and their children within refuges and other safe accommodation. Eligible homeless victims of domestic abuse will automatically have 'priority need' for homelessness assistance. The types of safe accommodation that will be covered are refuge accommodation, specialist safe accommodation, dispersed accommodation, sanctuary schemes and move-on or second stage accommodation.

Part Five – Protection for victims and witnesses in court

Perpetrators will no longer be allowed to directly cross-examine their victims in the family and civil courts. Victims will also be given better access to special measures in the courtroom to help prevent intimidation – such as protective screens, giving evidence via video link, separate entrances and exits and waiting rooms.

Part Six – Offences involving violent or abusive behaviour

- The Act will extend the jurisdiction of the UK courts so that, where appropriate, UK nationals and residents who commit certain violent and sexual offences outside the UK may be brought to trial in the UK.
- It makes non-fatal strangulation a specific crime, creating a new offence of non fatal strangulation.
- Clarify the law to further deter claims of “rough sex gone wrong” in cases involving death or serious injury
- Threats to share intimate images is a crime – extending an offence to cover the threat to disclose intimate images.

Part Seven – Polygraph testing and [Clare's Law](#)

The Act enables Domestic Abuse perpetrators to be subject to polygraph testing as a condition of their licence following their release from custody. The act also puts the guidance supporting the Domestic Violence Disclosure Scheme ([Clare's Law](#)) on a statutory footing for the first time. The scheme allows the police to disclose information about individuals with a history of abusive or violent behaviour which would protect a potential victim from harm. There are two avenues for disclosure under Clare's Law: the 'right to ask', and the 'right to know'. 'Right to ask' – a person can apply for a disclosure if they are concerned about whether a partner or potential partner has a history of abusive behaviour. Third parties can also seek a disclosure if they are worried that a someone is at risk. When such an application is made, the police have to decide whether or not to disclose any history of violent or abusive behaviour on the basis of whether it could prevent further harm. 'Right to know' – this allows the police to make a proactive disclosure to a potential victim on their own initiative if they believe it could protect that person. The 'right to know' could arise following information received from a criminal investigation, or through a statutory or third sector agency.

Further information: [Domestic Abuse Factsheet](#)