

Domestic Abuse Act 2021

West Yorkshire Police

Overview of the Domestic Abuse Act 2021

- Raise awareness and understanding of DA and its impact on victims, to further improve the effectiveness of the CJS in providing protection for victims and bringing perpetrators to justice, and to strengthen the support to victims and their children.
- Given Royal Assent on 29th April 2021.
- The Act is in 7 parts.

Domestic Abuse Act 2021

- Part 1 – Definition of DA
- Part 2 – DA Commissioner
- Part 3 – Powers to deal with DA
- Part 4 – Local Authority Powers
- Part 5 – Protection for victims and witnesses in the CJ system
- Part 6 – Offences involving violent and abusive behaviour
- Part 7 – Other provisions

Part 6 – Offences involving violent or abusive behaviour

Section 69 – amends the offence under section 33 of the Criminal Justice and Courts Act 2015 to include **threats** to disclose a private sexual photo/film with intent to cause distress. The prosecution will not have to prove the photo or film exists as long as the individual is said to feature in them.

Commencement Date – 29th June 2021

Section 70 & Schedule 2 – creates a new offence of non-fatal strangulation or suffocation. A person commits an offence if, the person “intentionally strangles” another person or they commit another act that affects the other person’s ability to breathe and that act constitutes a battery of the other person.

Commencement Date – Spring 2022.

Section 71 – This Section restates in statute law that a person may not consent to the infliction of serious harm and, by extension, is unable to consent to their own death. It is not a defence that another person consented to the infliction of the serious harm for the purposes of obtaining sexual gratification.

Commencement Date – 29th April 2021.

Extra-territorial offences

Section 72 – Extends the circumstances in which certain sexual and violent offences committed abroad *may* be prosecuted in England and Wales, where the offence is committed by a UK national or a person habitually resident in England and Wales.

‘Host’ countries are clearly at liberty to prosecute these offences under their own jurisdictions and should be requested to do so.

Commencement Date – 29th June 2021