



Northern Ireland  
Assembly

Domestic Abuse and Family Proceedings Bill  
Notice of Amendments tabled on  
2 November 2020 for Consideration Stage

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*As an amendment to the amendment inserting a new clause entitled 'Training', tabled by the Chairperson of the Committee for Justice.*

Clause 25A(1) after 'sufficient' insert the words 'resources and'

*Miss Rachel Woods*

*As an amendment to the amendment inserting a new clause entitled 'Report on the operation of this Act', tabled by the Chairperson of the Committee for Justice.*

Subsection (2)(b), at end insert—

'(ba) the number of cases where it has been—

(i) specified that the offence is aggravated by reasons as described in sections 8, 9, and 15.

(ii) proved that the offence is so aggravated,

(bb) information on A and B as described in Section 75 of the Northern Ireland Act 1998,'

*Miss Rachel Woods*

*As an amendment to the amendment inserting a new clause entitled 'Report on the operation of this Act', tabled by the Chairperson of the Committee for Justice.*

Subsection (2), at end insert—

'(2A) The number of offences recorded within each police district in Northern Ireland,'

*Miss Rachel Woods*

**Clause 9, Page 6, Line 8**

After ‘directed’ insert ‘, or threatened to direct,’

*Miss Rachel Woods*

**Clause 9, Page 6, Line 11**

After ‘behaviour.’ insert -

‘Or

- (c) a reasonable person would consider the course of behaviour, or an incident of A’s behaviour that forms part of the course of behaviour, to be likely to adversely affect the child.
- (2A) For it to be proved that the offence is so aggravated, there does not need to be evidence that a child –
  - (i) has ever had any awareness or understanding of A’s behaviour, or
  - (ii) has ever been adversely affected by A’s behaviour.
- (2B) Nothing in this subsection prevents evidence from being led about—
  - (i) a child’s observations of, or feelings as to, A’s behaviour, or
  - (ii) a child’s situation so far as arising because of A’s behaviour.’

*Miss Rachel Woods*

**New Clause**

After clause 24 insert -

**‘Amendment to the eligibility requirement for civil legal aid**

**24A.** In The Civil Legal Services (Financial) Regulations (Northern Ireland) 2015, Article 10 (1), at end insert—

(ab) advice and assistance or representation in proceedings for, or in relation to, any order referred in Article 8(1) of the Children (Northern Ireland) Act 1995 where the client is a victim of domestic abuse in accordance with the Domestic Abuse and Family Proceedings Act (Northern Ireland) 2020.’

*Miss Rachel Woods*

**New Clause**

After clause 25 insert -

**‘Appointment of Commissioner**

**25A.—**(1) The Minister of Justice must appoint a person as the Domestic Abuse Commissioner (“the Commissioner”).

(2) The Commissioner is to hold and vacate office in accordance with the terms and conditions of the Commissioner’s appointment.’

*Miss Rachel Woods*

## **New Clause**

After clause 25 insert -

### **‘Funding**

**25B.**—(1) The Minister of Justice may make payments to the Commissioner out of money provided by the Department of Justice for the purpose of enabling the Commissioner to meet expenditure incurred in the exercise of the Commissioner’s functions.

(2) Payments are to be made at such times, and subject to any such conditions, as the Minister of Justice considers appropriate.

(3) The Minister of Justice may pay, or make provision for paying, to or in respect of the Commissioner—

- (a) remuneration;
- (b) allowances;
- (c) sums by way of or in respect of pensions.’

*Miss Rachel Woods*

## **New Clause**

After clause 25 insert -

### **‘Staff etc.**

**25C.**—(1) The Minister of Justice must provide the Commissioner with—

- (a) such staff, and
- (b) such accommodation, equipment and other facilities, as the Minister of Justice considers necessary for the carrying out of the Commissioner’s functions.

(2) Before providing any staff, the Minister of Justice must—

- (a) consult the Commissioner, and
- (b) obtain the Commissioner’s approval as to the persons to be provided as staff.

(3) The Minister of Justice must consult the Commissioner before providing any accommodation, equipment or other facilities.’

*Miss Rachel Woods*

## **New Clause**

After clause 25 insert -

### **‘General functions of Commissioner**

**25D.**—(1) The Commissioner must encourage good practice in—

- (a) the prevention of domestic abuse;
- (b) the prevention, detection, investigation and prosecution of offences involving domestic abuse;
- (c) the identification of—
  - (i) people who carry out domestic abuse;
  - (ii) victims of domestic abuse;
  - (iii) children affected by domestic abuse;

(d) the provision of protection and support to people affected by domestic abuse.

(2) The things that the Commissioner may do in pursuance of the general duty under subsection (1) include—

- (a) assessing, monitoring, and publishing information about the provision of services to people affected by domestic abuse;
- (b) making recommendations to any public authority about the exercise of its functions;
- (c) undertaking or supporting (financially or otherwise) the carrying out of research;
- (d) providing information, education or training;
- (e) taking other steps to increase public awareness of domestic abuse;
- (f) consulting public authorities, voluntary organisations and other persons;
- (g) co-operating with, or working jointly with, public authorities, voluntary organisations and other persons, whether within or outside Northern Ireland.’

*Miss Rachel Woods*

### **New Clause**

After clause 25 insert -

#### **‘Reports**

**25E.**—(1) The Commissioner may report to the Minister of Justice on any matter relating to domestic abuse.

(2) The Commissioner must publish every report made under this section.

(3) Before publishing a report under this section, the Commissioner must send a draft of the report to the Minister of Justice.

(4) The Minister of Justice may direct the Commissioner to omit material from any report under this section before publication if the Minister of Justice thinks the publication of that material—

- (a) might jeopardise the safety of any person, or
- (b) might prejudice the investigation or prosecution of an offence.

(5) The Minister of Justice must consult the Commissioner before making any direction under subsection (4).

(6) The Commissioner must arrange for a copy of any report published under this section to be laid before the Northern Ireland Assembly.’

*Miss Rachel Woods*

### **New Clause**

After clause 25 insert -

#### **‘Advice and assistance**

**25F.**—(1) The Commissioner may provide the Minister of Justice with any advice or assistance that the Minister of Justice may request.

(2) The Commissioner may, at the request of any other person, provide the person with advice or assistance relating to the exercise of any of the person’s functions, or the carrying out of any activities by the person, in relation to people affected by domestic abuse.

(3) The Commissioner must publish any advice given to a person under subsection (2).

(4) Before publishing any advice given under this section, the Commissioner must send a draft of what is proposed to be published to the Minister of Justice.

(5) The Minister of Justice may direct the Commissioner to omit anything contained in the advice before publication if the Minister of Justice thinks the publication of that material—

- (a) might jeopardise the safety of any person, or
- (b) might prejudice the investigation or prosecution of an offence.

(6) The Minister of Justice must consult the Commissioner before making any direction under subsection (5).'

*Miss Rachel Woods*

#### **New Clause**

After clause 25 insert -

##### **‘Incidental powers**

**25G.**—(1) The Commissioner may do anything which the Commissioner considers will facilitate, or is incidental or conducive to, the carrying out of the Commissioner’s functions.

- (2) But the Commissioner may not borrow money.’

*Miss Rachel Woods*

#### **New Clause**

After clause 25 insert -

##### **‘Framework document**

**25H.**—(1) The Minister of Justice must issue a document (a “framework document”) that deals with matters relating to the Commissioner.

- (2) The matters that may be dealt with by a framework document include (among other things)—

- (a) matters relating to governance, funding and staffing;
- (b) matters relating to the exercise of functions of the Commissioner;
- (c) matters relating to scrutiny of the Commissioner’s activities by the Northern Ireland Assembly.

(3) The Commissioner must have regard to the framework document when exercising any of the Commissioner’s functions.

(4) The Minister of Justice must have regard to the framework document when exercising any functions in relation to the Commissioner.

- (5) The Minister of Justice—

- (a) must keep the framework document under review, and
- (b) may issue a revised framework document.

- (6) The Minister of Justice—

- (a) must consult the Commissioner in preparing or revising a framework document, and
- (b) may not issue a framework document without the agreement of the Commissioner.

- (7) The Minister of Justice must consult the Executive Committee before issuing—

- (a) the first framework document under this section, or

- (b) any other framework document which is, in the opinion of the Minister of Justice, significantly different from the framework document it replaces.
- (8) The Minister of Justice must—
  - (a) arrange for any framework document issued under this section to be published in the manner which the Minister of Justice considers appropriate,
  - (b) send a copy of the framework document to Executive Committee, and
  - (c) lay a copy of the framework document before the Northern Ireland Assembly.’

*Miss Rachel Woods*

### **New Clause**

After clause 25 insert -

#### **‘Advisory Board**

**25I.**—(1) The Commissioner must establish an Advisory Board (“the Board”) for the purposes of providing advice to the Commissioner about the exercise of the Commissioner’s functions.

(2) The Board is to consist of not fewer than six and not more than ten members appointed by the Commissioner.

(3) Each member of the Board is to hold and vacate office in accordance with the terms and conditions of the member’s appointment.

(4) The members of the Board must include—

- (a) at least one person appearing to the Commissioner to represent the interests of victims of domestic abuse;
- (b) at least one person appearing to the Commissioner to represent the interests of charities and other voluntary organisations that work with victims of domestic abuse in Northern Ireland;
- (c) at least one person appearing to the Commissioner to represent the interests of persons who provide, or have functions relating to, health care in Northern Ireland;
- (d) at least one person appearing to the Commissioner to represent the interests of persons who provide, or have functions relating to, social care in Northern Ireland;
- (e) at least one person appearing to the Commissioner to represent the interests of persons with functions relating to policing or criminal justice;
- (f) at least one person appearing to the Commissioner to have academic expertise in relation to domestic abuse.

(5) The Commissioner may pay such remuneration or allowances to members of the Board as the Commissioner may determine.

(6) In this section—

“health care” has the meaning given by section 2(5) of the Health and Social Care (Reform) Act (Northern Ireland) 2009; and

“social care” has the meaning given by section 2(5) of the Health and Social Care (Reform) Act (Northern Ireland) 2009.’

*Miss Rachel Woods*

## **New Clause**

After clause 25 insert -

### **‘Strategic plans**

**25J.**—(1) The Commissioner must, as soon as reasonably practicable after the Commissioner’s appointment, prepare and publish a strategic plan.

(2) A strategic plan is a plan setting out how the Commissioner proposes to exercise the Commissioner’s functions in the period to which the plan relates, which must be not less than one year and not more than three years.

(3) A strategic plan must in particular—

- (a) state the Commissioner’s objectives and priorities for the period to which the plan relates;
- (b) state any matters on which the Commissioner proposes to report under section 25D [General functions of Commissioner] during that period;
- (c) state any other activities the Commissioner proposes to undertake during that period in the exercise of the Commissioner’s functions.

(4) The Commissioner must, before the end of the period to which a strategic plan relates (“the current period”)—

- (a) prepare a strategic plan for a period immediately following the current period, and
- (b) publish that plan.

(5) At any time during the period to which a strategic plan relates, the Commissioner—

- (a) may revise the strategic plan, and
- (b) must publish any revised plan.

(6) In preparing or revising a strategic plan, the Commissioner must consult—

- (a) the Minister of Justice,
- (b) the Advisory Board established under section 25I [Advisory Board], and
- (c) such other persons as the Commissioner considers appropriate.

(7) The Commissioner must arrange for a copy of any plan (or revised plan) published under this section to be laid before the Northern Ireland Assembly.’

*Miss Rachel Woods*

## **New Clause**

After clause 25 insert -

### **‘Annual reports**

**25K.**—(1) As soon as reasonably practicable after the end of each financial year, the Commissioner must submit to the Minister of Justice an annual report on the exercise of the Commissioner’s functions during the year.

(2) The annual report must include—

- (a) an assessment of the extent to which the Commissioner’s objectives and priorities have been met in that year;
- (b) a statement of the matters on which the Commissioner has reported under section 25D [General functions of Commissioner] during the year;
- (c) a statement of the other activities the Commissioner has undertaken during the year in the exercise of the Commissioner’s functions.

(3) The Commissioner must arrange for a copy of every annual report under this section to be laid before the Northern Ireland Assembly.

(4) In this section “financial year” means—

- (a) the period beginning with the day on which the first Domestic Abuse Commissioner takes office and ending with the following 31 March, and
- (b) each successive period of 12 months.’

*Miss Rachel Woods*

### **New Clause**

After clause 25 insert -

#### **‘Duty to co-operate with Commissioner**

**25L.**—(1) The Commissioner may request a specified listed authority to co-operate with the Commissioner in any way that the Commissioner considers necessary for the purposes of the Commissioner’s functions.

(2) A specified listed authority must, so far as reasonably practicable, comply with a request made to it under this section.

(3) In this section “listed authority” refers to any of the authorities listed in the Schedule.’

*Miss Rachel Woods*

### **New Clause**

After clause 25 insert -

#### **‘Duty to respond to Commissioner’s recommendations**

**25M.**—(1) This section applies where the Commissioner publishes a report under section 25D [General functions of Commissioner] containing recommendations in relation to—

- (a) any public authority that is a specified public authority for the purposes of section 25K [Annual Reports];
- (b) any government department in the charge of a Minister.

(2) The relevant person must prepare comments on the report.

(3) In this section “the relevant person” means—

- (a) the public authority, or
- (b) the Minister in charge of the government department, as the case may be.

(4) The comments must include, in respect of each recommendation made in the report, an explanation of—

- (a) the action which the relevant person has taken, or proposes to take, in response to the recommendation, or
- (b) why the relevant person has not taken, or does not propose to take, any action in response.

(5) The relevant person must arrange for the comments to be published in such manner as the person considers appropriate.

(6) The comments must be published before the end of the period of 56 days beginning with the day on which the report is published.



- (7) The relevant person must send a copy of anything published under subsection (5) to—
- (a) the Commissioner, and
  - (b) where the relevant person is a specified public authority for the purposes of section 25K [Annual Reports], the Minister of Justice.’

*Miss Rachel Woods*

### **New Clause**

After clause 25 insert -

#### **‘Disclosure of information**

**25N.**—(1) The Commissioner may disclose to a person any information received by the Commissioner in connection with the Commissioner’s functions if the disclosure is made for a purpose connected with a function of the Commissioner.

(2) A person may disclose any information to the Commissioner if the disclosure is made for the purposes of enabling or assisting the Commissioner to exercise any function.

(3) A disclosure of information authorised by this section does not breach—

- (a) any obligation of confidence owed by the person making the disclosure in relation to that information, or
- (b) any other restriction on the disclosure of information (however imposed).

(4) But nothing in this Part requires or authorises any of the following—

- (a) the disclosure of any patient information (see subsection (5));
- (b) the making of a disclosure which, although made in the exercise of a function under this Part, would contravene the data protection legislation (see subsection (6));
- (c) the making of a disclosure which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

(5) “Patient information” means information (however recorded) which—

- (a) relates to—
  - (i) the physical or mental health or condition of an individual,
  - (ii) the diagnosis of an individual’s condition, or
  - (iii) an individual’s care or treatment, or is (to any extent) derived directly or indirectly from information relating to any of those matters, and
- (b) identifies the individual or enables the individual to be identified (either by itself or in combination with other information).

(6) In this section “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

(7) This section does not affect any power to disclose that exists apart from this section.’

*Miss Rachel Woods*

### **New Clause**

After clause 25 insert -

#### **‘Restriction on exercise of functions in individual cases**

**25O.**—(1) The Commissioner may not exercise any function in relation to an individual case.

(2) But subsection (1) does not prevent the Commissioner considering individual cases and drawing conclusions about them for the purpose of, or in the context of, considering a general issue.’

*Miss Rachel Woods*

## **New Clause**

After clause 25 insert -

### **‘Strategy to end violence against women and girls**

**25A.**—(1) The Department must adopt a strategy (the “strategy to end violence against women and girls”) setting out how it proposes to end gendered violence.

(2) The strategy must in particular set out—

- (a) what outcomes the Department intends should be achieved for that purpose;
- (b) what actions will be taken by Northern Ireland departments (among others) for the purpose of achieving those outcomes;
- (c) how it will be determined whether, and to what extent, the outcomes have been achieved.

(3) The strategy must state the period within which it is intended that the outcomes should be achieved (the “lifetime” of the strategy).

(4) Before adopting the strategy, the Department must consult—

- (a) women and girls,
- (b) young persons,
- (c) parents and guardians of young persons,
- (d) agencies which deliver services in preventing violence against women and girls,
- (e) such persons representing the views and interests of girls and women as the Department thinks appropriate, and
- (f) such other persons as the Department thinks appropriate.

(5) The Department may—

- (a) revise or replace the strategy if the Department is satisfied that changes in circumstances justify doing so;
- (b) amend the strategy by extending its lifetime.

(6) The Department must—

- (a) lay the strategy, and any revisions to it, before the Assembly, and
- (b) publish it, and any revisions, in such other manner as the Department thinks appropriate.

(7) At the end of the lifetime of the strategy, the Department must adopt a new one.

(8) Subsections (2) to (7) apply to any new strategy.”

*Miss Rachel Woods*

## **New Schedule**

After clause 28 insert -

## ‘SCHEDULES

### SCHEDULE 1

#### LISTED AUTHORITIES

##### *Northern Ireland Assembly*

Assembly Commission

The Independent Financial Review Panel

##### *Northern Ireland Departments*

A Northern Ireland department

##### *Local Government*

A district council

The Local Government Staff Commission for Northern Ireland

The Northern Ireland Local Government Officers' Superannuation Committee

##### *Education and Training*

The board of governors of a grant-aided school

An industrial training board

An institution of further education

The General Teaching Council for Northern Ireland

The Northern Ireland Council for Postgraduate Medical and Dental Education

The Northern Ireland Council for the Curriculum, Examinations and Assessment

The Education Authority

University of Ulster

The Queen's University of Belfast

The Youth Council for Northern Ireland

The Council for Catholic Maintained Schools

##### *Policing, Criminal Justice and Law*

A policing and community safety partnership or a district policing and community safety partnership

The Northern Ireland Policing Board

The Chief Inspector of Criminal Justice in Northern Ireland

The Commission for Victims and Survivors for Northern Ireland

The Northern Ireland Police Fund

The Probation Board for Northern Ireland

The Royal Ulster Constabulary George Cross Foundation

The Northern Ireland Law Commission  
The Police Rehabilitation and Retraining Trust

*Arts and Leisure*

The Arts Council of Northern Ireland  
The Board of Trustees of the National Museums and Galleries of Northern Ireland  
The Northern Ireland Library Authority  
The Northern Ireland Museums Council  
The Northern Ireland Tourist Board  
The Sports Council for Northern Ireland

*Health and Social Care*

A health and social care trust  
A special health and social care agency  
The Northern Ireland Practice and Education Council for Nursing and Midwifery  
The Health and Social Care Regulation and Quality Improvement Authority  
The Northern Ireland Social Care Council  
The Patient and Client Council  
The Regional Agency for Public Health and Social Well-being  
The Regional Health and Social Care Board  
The Regional Business Services Organisation  
A general health care provider  
An independent provider of health and social care

*Investment and Economic Development*

Invest Northern Ireland  
The company for the time being designated under Article 5 of the Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003  
A development corporation established under Part III of the Strategic Investment and Regeneration of Sites (Northern Ireland) Order 2003

*Industrial Relations*

Office of the Certification Officer for Northern Ireland  
The Labour Relations Agency

*Harbours*

The Northern Ireland Fishery Harbour Authority  
A harbour authority within the meaning of the Harbours Act (Northern Ireland) 1970

*Housing*

A registered housing association within the meaning of Article 3 of the Housing (Northern Ireland) Order 1992  
The Northern Ireland Housing Executive

*Children and Young People*

The Safeguarding Board for Northern Ireland

The Office of the Commissioner for Children and Young People for Northern Ireland

*Charity and Voluntary Sector*

Regulator of Community Interest Companies

Appeal Officer for Community Interest Companies

The Charity Commission for Northern Ireland

The Northern Ireland Community Relations Council

*Miscellaneous*

The Agri-Food and Biosciences Institute

Civil Service Commissioners for Northern Ireland

The Comptroller and Auditor General

The Equality Commission for Northern Ireland

The General Consumer Council for Northern Ireland

The Health and Safety Executive for Northern Ireland

The Historical Institutional Abuse Redress Board

The Livestock and Meat Commission for Northern Ireland

The Northern Ireland Audit Office

The Northern Ireland Authority for Utility Regulation

The Northern Ireland Fire and Rescue Service Board

The Office of the Commissioner for Older People for Northern Ireland

Ulster Sheltered Employment Limited

A new town commission established under the New Towns Acts (Northern Ireland) 1965 to 1968

An implementation body to which the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999 applies

Notes:

1. An implementation body is a listed authority only to the extent that it exercises functions in or as regards Northern Ireland.

2. In relation to any function exercisable by a listed authority for the time being listed in this Schedule which was previously exercisable on behalf of the Crown by a body not so listed, the reference to the listed authority so listed includes a reference to the other body.'

*Miss Rachel Woods*

**Clause 1, Page 1, Line 12**

Leave out paragraph (a) and insert -

'(a) that B suffers physical and psychological harm, and'

*Mr Jim Allister*

**Clause 3**

*The Member listed below gives notice of his intention to oppose the question that clause 3 stand part of the Bill.*

*Mr Jim Allister*