

DOMESTIC ABUSE BILL: KEELING SCHEDULES

This document shows provisions in other enactments as they would be amended by the Bill. It is intended to assist the consideration of these provisions in the Bill and should not be taken as a definitive statement of the law as it would have effect on the enactment of the Bill.

Deletions are shown ~~struck through~~ and additions in *italics*.

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Section 11 of the Criminal Procedure (Scotland) Act 1995 as amended by paragraph 4 of Schedule 2 to the Bill

11— Certain offences committed outside Scotland.

(1) Any ~~British citizen or British subject~~ *relevant person* who in a country outside the United Kingdom does any act or makes any omission which if done or made in Scotland would constitute the crime of murder or of culpable homicide shall be guilty of the same crime and subject to the same punishment as if the act or omission had been done or made in Scotland.

(2) Any ~~British citizen or British subject~~ *relevant person* employed in the service of the Crown who, in a foreign country, when acting or purporting to act in the course of his employment, does any act or makes any omission which if done or made in Scotland would constitute an offence punishable on indictment shall be guilty of the same offence and subject to the same punishment, as if the act or omission had been done or made in Scotland.

(2A) Any relevant person who in a country outside the United Kingdom does any act which—

- (a) constitutes an offence under the law in force in that country, and*
- (b) if done in Scotland would constitute the crime of assault, is guilty of the same crime and subject to the same punishment as if the act had been done in Scotland.*

(2B) In subsections (1) to (2A)—

“country” includes territory;

“relevant person” means a person who is a United Kingdom national or is habitually resident in Scotland;

“United Kingdom national” means an individual who is—

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,*
- (b) a person who under the British Nationality Act 1981 is a British subject, or*
- (c) a British protected person within the meaning of that Act.*

(3) A person may be prosecuted, tried and punished for an offence to which this section applies—

- (a) in any sheriff court district in Scotland in which he is apprehended or is in custody; or
- (b) in such sheriff court district as the Lord Advocate may determine, as if the offence had been committed in that district, and the offence shall, for all purposes incidental to or consequential on the trial or punishment thereof, be deemed to have been committed in that district.

(4) Any person who—

- (a) has in his possession in Scotland property which he has stolen in any other part of the United Kingdom; or

(b) in Scotland receives property stolen in any other part of the United Kingdom,
may be prosecuted, tried and punished in Scotland in like manner as if he had stolen it in Scotland.

(5) Where a person in any part of the United Kingdom outside Scotland—
(a) steals or attempts to steal any mail-bag or postal packet in the course of its transmission by post, or any of the contents of such a mail-bag or postal packet; or
(b) in stealing or with intent to steal any such mail-bag or postal packet or any of its contents commits any robbery, attempted robbery or assault with intent to rob,
he is guilty of the offence mentioned in paragraph (a) or (b) as if he had committed it in Scotland and shall be liable to be prosecuted, tried and punished there without proof that the offence was committed there.

(6) Any expression used in subsection (5) and in the Postal Services Act 2000 has the same meaning in that subsection as it has in that Act.

Section 177 of the Housing Act 1996 as amended by clause 71(2) of the Bill

Section 177: Whether it is reasonable to continue to occupy accommodation

(1) It is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to ~~domestic violence or other violence~~ *violence or domestic abuse* against him, or against—

- (a) a person who normally resides with him as a member of his family, or
- (b) any other person who might reasonably be expected to reside with him.

~~(1A) For this purpose “violence” means—~~

- ~~(a) violence from another person; or~~
- ~~(b) threats of violence from another person which are likely to be carried out;~~

~~and violence is “domestic violence” if it is from a person who is associated with the victim.~~

~~(1A) For this purpose-~~

~~(a) “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020;~~

~~(b) “violence” means-~~

~~(i) violence from another person; or~~

~~(ii) threats of violence from another person which are likely to be carried out.~~

(2) In determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation, regard may be had to the general circumstances prevailing in relation to housing in the district of the local housing authority to whom he has applied for accommodation or for assistance in obtaining accommodation.

(3) The Secretary of State may by order specify—

(a) other circumstances in which it is to be regarded as reasonable or not reasonable for a person to continue to occupy accommodation, and

(b) other matters to be taken into account or disregarded in determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation.

Section 178 of the Housing Act 1996 as repealed by clause 71(3) of the Bill

Section 178: Meaning of associated person

~~(1) For the purposes of this Part, a person is associated with another person if—~~

~~(a) they are or have been married to each other;~~

~~(aa) they are or have been civil partners of each other;~~

~~(b) they are cohabitants or former cohabitants;~~

~~(c) they live or have lived in the same household;~~

~~(d) they are relatives;~~

~~(e) they have agreed to marry one another (whether or not that agreement has been terminated);~~

~~(ea) they have entered into a civil partnership agreement between them (whether or not that agreement has been terminated);~~

~~(f) in relation to a child, each of them is a parent of the child or has, or has had, parental responsibility for the child.~~

~~(2) If a child has been adopted or falls within subsection (2A), two persons are also associated with each other for the purposes of this Part if—~~

~~(a) one is a natural parent of the child or a parent of such a natural parent, and~~

~~(b) the other is the child or a person—~~

~~(i) who has become a parent of the child by virtue of an adoption order or who has applied for an adoption order, or~~

~~(ii) with whom the child has at any time been placed for adoption.~~

~~(2A) A child falls within this subsection if—~~

~~(a) an adoption agency, within the meaning of section 2 of the Adoption and Children Act 2002, is authorised to place him for adoption under section 19 of that Act (placing children with parental consent) or he has become the subject of an order under section 21 of that Act (placement orders), or~~

~~(b) he is freed for adoption by virtue of an order made—~~

~~(i) in England and Wales, under section 18 of the Adoption Act 1976,~~

~~(ii) in Scotland, under section 18 of the Adoption (Scotland) Act 1978, or~~

~~(iii) in Northern Ireland, under Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987.~~

~~(3) In this section—~~

~~“adoption order” means an adoption order within the meaning of section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002;~~

~~“child” means a person under the age of 18 years;~~

~~“civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;~~

~~“cohabitants” means —~~

~~two people who, although not married to, or civil partners of, each other, are living together as if they were a married couple or civil partners;~~

~~and “former cohabitants” shall be construed accordingly;~~

~~“parental responsibility” has the same meaning as in the Children Act 1989; and~~

~~“relative”, in relation to a person, means —~~

~~(a) — the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that person or of that person's spouse, civil partner, former spouse or former civil partner, or~~

~~(b) — the brother, sister, uncle, aunt, niece or nephew (whether of the full blood or of the half blood or by marriage or civil partnership) of that person or of that person's spouse, civil partner, former spouse or former civil partner,~~

~~and includes, in relation to a person who is living or has lived with another person as if they were a married couple or civil partners, a person who would fall within paragraph (a) or (b) if the parties were married to, or civil partners of, each other.~~

Section 179 of the Housing Act 1996 as amended by clause 71(4) of the Bill

Section 179: Duty of local housing authority in England to provide advisory services

(1) Each local housing authority in England must provide or secure the provision of a service, available free of charge to any person in the authority's district, providing information and advice on—

- (a) preventing homelessness,
- (b) securing accommodation when homeless,
- (c) the rights of persons who are homeless or threatened with homelessness, and the duties of the authority, under this Part,
- (d) any help that is available from the authority or anyone else, whether under this Part or otherwise, for persons in the authority's district who are homeless or may become homeless (whether or not they are threatened with homelessness), and
- (e) how to access that help.

(2) The service must be designed to meet the needs of persons in the authority's district including, in particular, the needs of—

- (a) persons released from prison or youth detention accommodation,
- (b) care leavers,
- (c) former members of the regular armed forces,
- (d) victims of domestic abuse,
- (e) persons leaving hospital,
- (f) persons suffering from a mental illness or impairment, and
- (g) any other group that the authority identify as being at particular risk of homelessness in the authority's district.

(3) The authority may give to any person by whom the service is provided on behalf of the authority assistance by way of grant or loan.

(4) The authority may also assist any such person—

- (a) by permitting the person to use premises belonging to the authority,
- (b) by making available furniture or other goods, whether by way of gift, loan or otherwise, and
- (c) by making available the services of staff employed by the authority.

(5) In this section—

“care leavers” means persons who are former relevant children (within the meaning given by section 23C(1) of the Children Act 1989);

~~“domestic abuse” means—~~

- ~~(a) physical violence,~~
- ~~(b) threatening, intimidating, coercive or controlling behaviour, or~~

~~(c) — emotional, financial, sexual or any other form of abuse,
where the victim is associated with the abuser;~~

“domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020;

~~“financial abuse” includes—~~

~~(a) — having money or other property stolen,~~

~~(b) — being defrauded,~~

~~(c) — being put under pressure in relation to money or other property, and~~

~~(d) — having money or other property misused;~~

“hospital” has the same meaning as in the National Health Service Act 2006 (see section 275(1) of that Act);

“regular armed forces” means the regular forces as defined by section 374 of the Armed Forces Act 2006;

“youth detention accommodation” means—

(a) a secure children's home,

(b) a secure training centre,

(c) a secure college,

(d) a young offender institution,

(e) accommodation provided by or on behalf of a local authority for the purpose of restricting the liberty of children;

(f) accommodation for that purpose under section 82(5) of the Children Act 1989, or

(g) accommodation, or provided accommodation of a description, for the time being specified by order under section 107(1)(e) of the Powers of Criminal Courts (Sentencing) Act 2000 (youth detention accommodation for the purposes of detention and training orders).

Section 189 of the Housing Act 1996 as amended by clause 71(5) of the Bill

Section 189: Priority need for accommodation

- (1) The following have a priority need for accommodation—
 - (a) a pregnant woman or a person with whom she resides or might reasonably be expected to reside;
 - (b) a person with whom dependent children reside or might reasonably be expected to reside;
 - (c) a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;
 - (d) a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster.
 - (e) a person who is homeless as a result of that person being a victim of domestic abuse.*
- (2) The Secretary of State may by order—
 - (a) specify further descriptions of persons as having a priority need for accommodation, and
 - (b) amend or repeal any part of subsection (1).
- (3) Before making such an order the Secretary of State shall consult such associations representing relevant authorities, and such other persons, as he considers appropriate.
- (4) No such order shall be made unless a draft of it has been approved by resolution of each House of Parliament.
- (5) In this section “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020.*

Section 198 of the Housing Act 1996 as amended by clause 71(6) of the Bill

Section 198: Referral of case to another local housing authority

(A1) If the local housing authority would be subject to the duty under section 189B (initial duty owed to all eligible persons who are homeless) but consider that the conditions are met for referral of the case to another local housing authority in England, they may notify that other authority of their opinion.

(1) If the local housing authority would be subject to the duty under section 193 (accommodation for those with priority need who are not homeless intentionally) but consider that the conditions are met for referral of the case to another local housing authority, they may notify that other authority of their opinion.

(2) The conditions for referral of the case to another authority are met if—

(a) neither the applicant nor any person who might reasonably be expected to reside with him has a local connection with the district of the authority to whom his application was made,

(b) the applicant or a person who might reasonably be expected to reside with him has a local connection with the district of that other authority, and

(c) neither the applicant nor any person who might reasonably be expected to reside with him will run the risk of ~~domestic violence~~ *domestic abuse* in that other district.

(2ZA) The conditions for referral of the case to another authority are also met if—

(a) the application is made within the period of two years beginning with the date on which the applicant accepted an offer from the other authority under section 193(7AA) (private rented sector offer), and

(b) neither the applicant nor any person who might reasonably be expected to reside with the applicant will run the risk of ~~domestic violence~~ *domestic abuse* in the district of the other authority.

(2A) But the conditions for referral mentioned in subsection (2) or (2ZA) are not met if—

(a) the applicant or any person who might reasonably be expected to reside with him has suffered violence (other than ~~domestic violence~~ *violence that is domestic abuse*) in the district of the other authority; and

(b) it is probable that the return to that district of the victim will lead to further violence of a similar kind against him.

~~(3) For the purposes of subsections (2), (2ZA) and (2A) “violence” means—~~

~~(a) violence from another person; or~~

~~(b) threats of violence from another person which are likely to be carried out;~~

~~and violence is “domestic violence” if it is from a person who is associated with the victim.~~

(3) For the purposes of subsections (2), (2ZA) and (2A)-

(a) “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020;

(b) “violence” means –

(i) violence from another person; or

(ii) threats of violence from another person which are likely to be carried out.

(4) The conditions for referral of the case to another authority are also met if—

(a) the applicant was on a previous application made to that other authority placed (in pursuance of their functions under this Part) in accommodation in the district of the authority to whom his application is now made, and

(b) the previous application was within such period as may be prescribed of the present application.

(4A) Subsection (4) is to be construed, in a case where the other authority is an authority in Wales, as if the reference to “this Part” were a reference to Part 2 of the Housing (Wales) Act 2014.

(5) The question whether the conditions for referral of a case which does not involve a referral to a local housing authority in Wales are satisfied shall be decided by agreement between the notifying authority and the notified authority or, in default of agreement, in accordance with such arrangements as the Secretary of State may direct by order.

(5A) The question whether the conditions for referral of a case involving a referral to a local housing authority in Wales shall be decided by agreement between the notifying authority and the notified authority or, in default of agreement, in accordance with such arrangements as the Secretary of State and the Welsh Ministers may jointly direct by order.

(6) An order may direct that the arrangements shall be—

(a) those agreed by any relevant authorities or associations of relevant authorities, or

(b) in default of such agreement, such arrangements as appear to the Secretary of State or, in the case of an order under subsection (5A), to the Secretary of State and the Welsh Ministers to be suitable, after consultation with such associations representing relevant authorities, and such other persons, as he thinks appropriate.

(7) An order under this section shall not be made unless a draft of the order has been approved by a resolution of each House of Parliament and, in the case of a joint order, a resolution of the National Assembly for Wales

Section 218 of the Housing Act 1996 as amended by clause 71(7) of the Bill

Section 218: Index of defined expressions: Part VII

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or explaining an expression used in the same section)—

accommodation available for occupation	section 176
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-in England and Wales	section 230
-in Scotland	section 217(2)(a)
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Reasonable to continue to occupy accommodation	section 177
registered social landlord	section 230
relevant authority	section 217(1)
restricted person	section 184(7)
social services authority	section 217(1) and (2)(b)
threatened with homelessness	section 175(4)

Section 17 of the Youth Justice and Criminal Evidence Act 1999 as amended by clause 60(2) of the Bill

17 — Witnesses eligible for assistance on grounds of fear or distress about testifying.

(1) For the purposes of this Chapter a witness in criminal proceedings (other than the accused) is eligible for assistance by virtue of this subsection if the court is satisfied that the quality of evidence given by the witness is likely to be diminished by reason of fear or distress on the part of the witness in connection with testifying in the proceedings.

(2) In determining whether a witness falls within subsection (1) the court must take into account, in particular—

- (a) the nature and alleged circumstances of the offence to which the proceedings relate;
- (b) the age of the witness;
- (c) such of the following matters as appear to the court to be relevant, namely—
 - (i) the social and cultural background and ethnic origins of the witness,
 - (ii) the domestic and employment circumstances of the witness, and
 - (iii) any religious beliefs or political opinions of the witness;
- (d) any behaviour towards the witness on the part of—
 - (i) the accused,
 - (ii) members of the family or associates of the accused, or
 - (iii) any other person who is likely to be an accused or a witness in the proceedings.

(3) In determining that question the court must in addition consider any views expressed by the witness.

(4) Where the complainant in respect of ~~a sexual offence or an offence under section 1 or 2 of the Modern Slavery Act 2015~~ *an offence listed in subsection (4A)* is a witness in proceedings relating to that offence (or to that offence and any other offences), the witness is eligible for assistance in relation to those proceedings by virtue of this subsection unless the witness has informed the court of the witness' wish not to be so eligible by virtue of this subsection.

(4A) The offences are—

- (a) a sexual offence;*
- (b) an offence under section 1 or 2 of the Modern Slavery Act 2015;*
- (c) any other offence where it is alleged that the behaviour of the accused amounted to domestic abuse within the meaning of the Domestic Abuse Act 2020 (see section 1 of that Act).*

(5) A witness in proceedings relating to a relevant offence (or to a relevant offence and any other offences) is eligible for assistance in relation to those proceedings by virtue of this subsection unless the witness has informed the court of the witness's wish not to be so eligible by virtue of this subsection.

(6) For the purposes of subsection (5) an offence is a relevant offence if it is an offence described in Schedule 1A.

(7) The Secretary of State may by order amend Schedule 1A.

Section 25 of the Youth Justice and Criminal Evidence Act 1999 as amended by clause 60(3) of the Bill

25 — Evidence given in private.

(1) A special measures direction may provide for the exclusion from the court, during the giving of the witness's evidence, of persons of any description specified in the direction.

(2) The persons who may be so excluded do not include—

- (a) the accused,
- (b) legal representatives acting in the proceedings, or
- (c) any interpreter or other person appointed (in pursuance of the direction or otherwise) to assist the witness.

(3) A special measures direction providing for representatives of news gathering or reporting organisations to be so excluded shall be expressed not to apply to one named person who—

- (a) is a representative of such an organisation, and
 - (b) has been nominated for the purpose by one or more such organisations,
- unless it appears to the court that no such nomination has been made.

(4) A special measures direction may only provide for the exclusion of persons under this section where—

- (a) the proceedings relate to ~~a sexual offence or an offence under section 1 or 2 of the Modern Slavery Act 2015~~ *an offence listed in section 17(4A)*; or
- (b) it appears to the court that there are reasonable grounds for believing that any person other than the accused has sought, or will seek, to intimidate the witness in connection with testifying in the proceedings.

(5) Any proceedings from which persons are excluded under this section (whether or not those persons include representatives of news gathering or reporting organisations) shall nevertheless be taken to be held in public for the purposes of any privilege or exemption from liability available in respect of fair, accurate and contemporaneous reports of legal proceedings held in public.

Article 6 of the Homelessness (Priority Need for Accommodation) (England) Order 2002 as amended by clause 71(8) of the Bill

Article 6: Vulnerability: fleeing violence or threats of violence

(1) A person who is vulnerable as a result of ceasing to occupy accommodation by reason of violence from another person or threats of violence from another person which are likely to be carried out.

(2) *For the purposes of this article –*

(a) *“violence” does not include violence that is domestic abuse;*

(b) *“domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020.*

Section 72 of the Sexual Offences Act 2003 as amended by paragraph 2(2) of Schedule 2 to the Bill

72 - Offences outside the United Kingdom

(1) If—

- (a) a United Kingdom national does an act in a country outside the United Kingdom, and
- (b) the act, if done in England and Wales, would constitute a sexual offence to which this ~~section~~ *subsection* applies,

the United Kingdom national is guilty in England and Wales of that sexual offence.

(2) If—

- (a) a United Kingdom resident does an act in a country outside the United Kingdom,
- (b) the act constitutes an offence under the law in force in that country, and
- (c) the act, if done in England and Wales, would constitute a sexual offence to which this ~~section~~ *subsection* applies,

the United Kingdom resident is guilty in England and Wales of that sexual offence.

(2A) If—

- (a) a person who is a United Kingdom national or United Kingdom resident does an act in a country outside the United Kingdom,*
- (b) the act constitutes an offence under the law in force in that country, and*
- (c) the act, if done in England and Wales, would constitute a sexual offence to which this subsection applies,*

the person is guilty in England and Wales of that sexual offence.

(3) If—

- (a) a person does an act in a country outside the United Kingdom at a time when the person was not a United Kingdom national or a United Kingdom resident,
- (b) the act constituted an offence under the law in force in that country,
- (c) the act, if done in England and Wales, would have constituted a sexual offence to which this ~~section~~ *subsection* applies, and
- (d) the person meets the residence or nationality condition at the relevant time,

proceedings may be brought against the person in England and Wales for that sexual offence as if the person had done the act there.

(4) The person meets the residence or nationality condition at the relevant time if the person is a United Kingdom national or a United Kingdom resident at the time when the proceedings are brought.

(5) An act punishable under the law in force in any country constitutes an offence under that law for the purposes of subsections (2), (2A) and (3) however it is described in that law.

(6) The condition in subsection (2)(b), (2A)(b) or (3)(b) is to be taken to be met unless, not later than rules of court may provide, the defendant serves on the prosecution a notice—

- (a) stating that, on the facts as alleged with respect to the act in question, the condition is not in the defendant's opinion met,
- (b) showing the grounds for that opinion, and
- (c) requiring the prosecution to prove that it is met.

(7) But the court, if it thinks fit, may permit the defendant to require the prosecution to prove that the condition is met without service of a notice under subsection (6).

(8) In the Crown Court the question whether the condition is met is to be decided by the judge alone.

(9) In this section—

“country” includes territory;

“United Kingdom national” means an individual who is—

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen;
- (b) a person who under the British Nationality Act 1981 is a British subject; or
- (c) a British protected person within the meaning of that Act;

“United Kingdom resident” means an individual who is resident in the United Kingdom.

(10) Schedule 2 lists the sexual offences to which ~~this section applies~~ *subsections (1) to (3) apply*.

Schedule 2 to the Sexual Offences Act 2003 as amended by paragraph 2(3) of Schedule 2 to the Bill

Schedule 2: Sexual offences to which ~~Section 72~~ Section 72(1) to (3) applies

1 England and Wales

In relation to England and Wales, the following are sexual offences to which ~~section 72 applies~~ *subsections (1), (2) and (3) of section 72 apply* –

- (a) an offence under any of sections 5 to 19, 25 and 26 and 47 to 50;
- (b) an offence under any of sections 1 to 4, 30 to 41 and 61 where the victim of the offence was under 18 at the time of the offence;
- (c) an offence under section 62 or 63 where the intended offence was an offence against a person under 18;
- (d) an offence under–
 - (i) section 1 of the Protection of Children Act 1978 (c. 37) (indecent photographs of children), or
 - (ii) section 160 of the Criminal Justice Act 1988 (c. 33) (possession of indecent photograph of child).

1A

In relation to England and Wales, the sexual offences to which subsection (2A) of section 72 applies are an offence under any of sections 1 to 4 where the victim of the offence was 18 or over at the time of the offence.

2 [Repealed]

3 General

A reference in paragraph 1 or 1A to an offence includes–

- (a) a reference to an attempt, conspiracy or incitement to commit that offence; and
- (b) a reference to aiding and abetting, counselling or procuring the commission of that offence.

Section 37 of the Government of Wales Act 2006 as amended by clause 19(3) of the Bill

37 - Power to call

- (1) Subject as follows, the Assembly may require any person—
- (a) to attend Assembly proceedings for the purpose of giving evidence, or
 - (b) to produce for the purposes of the Assembly (or a committee of the Assembly or a sub-committee of such a committee) documents in the possession, or under the control, of the person,

concerning any matter relevant to the exercise by the Welsh Ministers of any of their functions, relevant to the exercise of any of the Auditor General for Wales' functions, or relevant to the oversight and supervision of the Auditor General for Wales, or to the oversight and supervision of the exercise of any of his or her functions.

(2) The Assembly may not impose a requirement under subsection (1) on a person who is not involved in the exercise of functions, or the carrying on of activities, in relation to Wales or the Welsh zone.

(3) The Assembly may not impose a requirement under subsection (1) on a person who—

- (a) is or has been a Minister of the Crown, or
- (b) serves or has served in the department of a Minister of the Crown,

in relation to the exercise of any functions of a Minister of the Crown.

(4) The Assembly—

- (a) may not impose a requirement under subsection (1) on a person who is a full-time judge of any court, and
- (b) may not impose such a requirement on a person who is not within paragraph (a) but who is or has been a member of any court or tribunal in connection with the exercise of functions as such a member.

(5) Where a requirement under subsection (1) is imposed on a person who is or has been a member of the staff of the Welsh Government (or a person seconded to work for the Welsh Government) in relation to the exercise of any functions of the Welsh Ministers, the First Minister or the Counsel General, any of them may issue a direction under subsection (6).

(6) A direction under this subsection is a direction—

- (a) that the person on whom the requirement was imposed need not comply with it, and
- (b) that the requirement is instead to be complied with by another person specified in the direction.

(6A) Subsection (1) applies in relation to requirements imposed on a person in connection with the discharge of the functions of the Gas and Electricity Markets Authority in relation to Wales with the omission of the words after paragraph (b).

(6B) Subsection (1) applies in relation to things done by the Domestic Abuse Commissioner by virtue of section 6(4)(b) or (c) of the Domestic Abuse Act 2020 (functions exercisable in relation to Welsh devolved authorities etc) as it applies in relation to the exercise by the Welsh Ministers of their functions.

(7) The powers conferred by subsection (1)–

(a) may be exercised by and for the purposes of the Audit Committee, and

(b) may be exercised by and for the purposes of any other committee of the Assembly, or any sub-committee of any committee of the Assembly, if the committee or sub-committee is expressly authorised to do so by the Assembly (whether by the standing orders or otherwise).

(8) A person is not obliged under this section to answer any question or produce any document which the person would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in England and Wales.

(9) A person acting as prosecutor in criminal proceedings is not obliged under this section to answer any question or produce any document concerning the operation of the system of criminal prosecution in any particular case if the appropriate officer–

(a) considers that answering the question or producing the document might prejudice criminal proceedings in the case or would otherwise be contrary to the public interest, and

(b) has authorised the person to decline to answer the question or produce the document on that ground.

(10) In subsection (9) “the appropriate officer” means–

(a) if the proceedings were instituted by or on behalf of the Welsh Ministers, the First Minister or the Counsel General, the Counsel General, and

(b) otherwise, the Attorney General.

Section 28 of the Offender Management Act 2007 as amended by clause 69 of the Bill

28 - Application of polygraph condition

(1) The Secretary of State may include a polygraph condition in the licence of a person to whom this section applies.

(2) This section applies to a person serving a relevant custodial sentence in respect of ~~a relevant sexual offence~~ *an offence within subsection (3A)* who—

- (a) is released on licence by the Secretary of State under any enactment; and
- (b) is not aged under 18 on the day on which he is released.

(3) In this section “relevant custodial sentence” means—

- (a) a sentence of imprisonment ~~for a term of twelve months or more~~ *that is not for a term of less than twelve months* (including such a sentence imposed under section 226A or 227 of the Criminal Justice Act 2003 (c. 44));
- (b) a sentence of detention in a young offender institution for a term of twelve months or more;
- (c) a sentence of detention under section 90 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6);
- (d) a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 for a period of twelve months or more;
- (e) a sentence of custody for life under section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000; or
- (f) a sentence of detention under section 226A or 226 or 228 of the Criminal Justice Act 2003.

(3A) An offence is within this subsection if it is –

- (a) A relevant offence involving domestic abuse (see subsections (3B) and (3C)), or*
- (b) A relevant sexual offence (see subsection (4)).*

(3B) In this section “relevant offence involving domestic abuse” means—

- (a) an offence listed in subsection (3C) which involved behaviour by the offender amounting to domestic abuse within the meaning of the Domestic Abuse Act 2020 (see section 1 of that Act);*
- (b) an offence under section 36 of that Act (breach of domestic abuse protection order).*

(3C) The offences are—

- (a) murder;*
- (b) an offence under section 5 of the Protection from Harassment Act 1997 (breach of a restraining order);*
- (c) an offence specified in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences);*
- (d) an offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship).*

(4) In this section “relevant sexual offence” means—

- (a) an offence specified in Part 2 of Schedule 15 to the Criminal Justice Act 2003 (specified sexual offences);
- (b) an offence specified in paragraphs 1 to 21 of Schedule 16 to that Act (offences under the law of Scotland); or
- (c) an offence specified in Part 2 of Schedule 17 to that Act (offences under the law of Northern Ireland).

(5) In section 250(4) of the Criminal Justice Act 2003 (licence conditions for prisoners serving sentences of imprisonment of twelve months or more etc), in paragraph (b)(i) after "Criminal Justice and Court Services Act 2000" there is inserted "or section 28 of the Offender Management Act 2007".

Article 76 of the Sexual Offences (Northern Ireland) Order 2008 as amended by paragraph 8 of Schedule 2 to the Bill

76 — Offences outside the United Kingdom

(1) If—

(a) a United Kingdom national does an act in a country outside the United Kingdom, and

(b) the act, if done in Northern Ireland, would constitute a sexual offence to which this ~~Article~~ *paragraph* applies,

that United Kingdom national is guilty in Northern Ireland of that sexual offence.

(2) If—

(a) a United Kingdom resident does an act in a country outside the United Kingdom, and

(b) the act constitutes an offence under the law in force in that country, and

(c) the act, if done in Northern Ireland, would constitute a sexual offence to which this ~~Article~~ *paragraph* applies,

that United Kingdom resident is guilty in Northern Ireland of that sexual offence.

(2A) If—

(a) a person who is a United Kingdom national or is resident in Northern Ireland does an act in a country outside the United Kingdom,

(b) the act constitutes an offence under the law in force in that country, and

(c) the act, if done in Northern Ireland, would constitute a sexual offence to which this paragraph applies,

the person is guilty in Northern Ireland of that sexual offence.

(3) If—

(a) a person does an act in a country outside the United Kingdom at a time when that person was not a United Kingdom national or a United Kingdom resident, and

(b) the act constituted an offence under the law in force in that country,

(c) the act, if done in Northern Ireland, would have constituted a sexual offence to which this ~~Article~~ *paragraph* applies, and

(d) the person meets the residence or nationality condition at the relevant time,

proceedings may be brought against the person in Northern Ireland for that sexual offence as if that person had done the act in Northern Ireland.

(4) The person meets the residence or nationality condition at the relevant time if the person is a United Kingdom national or a United Kingdom resident at the time when the proceedings are brought.

(5) An act punishable under the law in force in any country constitutes an offence under that law for the purposes of paragraphs (2), (2A) and (3), however it is described in that law.

(6) The condition in paragraph (2)(b), (2A)(b) or (3)(b) is to be taken to be met unless, not later than rules of court may provide, the defendant serves on the prosecution a notice—

- (a) stating that, on the facts as alleged with respect to the act in question, the condition is not in the defendant's opinion met,
- (b) showing the grounds for that opinion, and
- (c) requiring the prosecution to prove that it is met.

(7) But the court, if it thinks fit, may permit the defendant to require the prosecution to prove that the condition is met without service of a notice under paragraph (6).

(8) In the Crown Court the question whether the condition is met is to be decided by the judge alone.

(9) In this Article—

“country” includes “territory”;

“rules of court” means—

- (i) in relation to proceedings in a magistrates' court, magistrates' court rules;
- (ii) in relation to proceedings in the Crown Court, Crown Court rules;

“United Kingdom national” means an individual who is—

- (i) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen;
- (ii) a person who under the British Nationality Act 1981 is a British subject; or
- (iii) a British protected person within the meaning of that Act;

“United Kingdom resident” means an individual who is resident in the United Kingdom.

(10) The sexual offences to which ~~this Article applies~~ *paragraphs (1), (2) and (3) apply* are—

- (a) an offence under any provision of Part 3 (sexual offences against children) except Article 22A;
- (b) an offence under any provision of Part 2 or 4 where the victim of the offence was under 18 at the time of the offence;
- (c) an offence under Article 65 where the victim of the offence was under 18 at the time of the offence;
- (d) an offence under Article 66 or 67 where the intended offence was an offence against a person under 18;
- (e) an offence under—
 - (i) Article 3(1)(a) of the Protection of Children (Northern Ireland) Order 1978 (NI 17) (indecent photographs of children), or
 - (ii) Article 15 of the Criminal Justice (Evidence Etc.) (Northern Ireland) Order 1988 (NI 17) (possession of indecent photograph of child).

(10A) The sexual offences to which paragraph (2A) applies are an offence under any provision of Part 2 where the victim of the offence was 18 or over at the time of the offence.

(11) A reference in paragraph (10) *or* (10A) to an offence includes—
 (a) a reference to an attempt or conspiracy to commit that offence; and
 (b) a reference to aiding and abetting, counselling or procuring the
 commission of that offence.

(12) A reference in paragraph (10) *or* (10A) to an offence (“offence A”) includes a reference to an offence under Part 2 of the Serious Crime Act 2007 (c. 27) in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed.