

2021 No. 1038 (C. 58)

DOMESTIC ABUSE, ENGLAND AND WALES

LOCAL AUTHORITIES, ENGLAND

HOUSING, ENGLAND

SENIOR COURTS OF ENGLAND AND WALES

FAMILY COURT, ENGLAND AND WALES

**The Domestic Abuse Act 2021 (Commencement No. 2)
Regulations 2021**

Made - - - - *14th September 2021*

The Secretary of State, in exercise of the powers conferred by section 90(6) and (7) of the Domestic Abuse Act 2021(a), makes the following Regulations.

Citation, interpretation and extent

1.—(1) These Regulations may be cited as the Domestic Abuse Act 2021 (Commencement No. 2) Regulations 2021.

(2) In these Regulations “the Act” means the Domestic Abuse Act 2021.

(3) These Regulations extend to England and Wales.

Provisions coming into force on 1st October 2021

2. The following provisions of the Act come into force on 1st October 2021—

- (a) section 1 (definition of “domestic abuse”) so far as not already in force;
- (b) section 2 (definition of “personally connected”) so far as not already in force;
- (c) section 3 (children as victims of domestic abuse) only for the purposes of section 63 (special measures in family proceedings: victims of domestic abuse) and Part 4 (Local Authority support);
- (d) section 63 (special measures in family proceedings: victims of domestic abuse);
- (e) Part 4 (Local Authority support).

Provisions coming into force on 1st November 2021

3. The following provisions of the Act come into force on 1st November 2021—
- (a) section 3 (children as victims of domestic abuse) only for the purposes of section 79 (grant of secure tenancies in cases of domestic abuse);
 - (b) Part 2 (the Domestic Abuse Commissioner);
 - (c) section 79 (grant of secure tenancies in cases of domestic abuse);
 - (d) section 84 (power of Secretary of State to issue guidance about domestic abuse, etc).

Victoria Atkins
Parliamentary Under Secretary of State
Home Office

14th September 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the second commencement regulations made under the Domestic Abuse Act 2021 (the “Act”). They bring into force sections 1 and 2 (so far as not already in force), section 3 (partially), section 63 and Part 4 (sections 57-61) of the Act on 1st October 2021, and section 3 (partially), Part 2 (sections 4-21), section 79 and section 84 of the Act on 1st November 2021.

Regulation 2(a) and (b) brings into force the definitions of “domestic abuse” and “personally connected” in sections 1 and 2, respectively, of the Act, for all purposes for which they are not already in force.

Regulation 2(c) brings section 3 of the Act into force partially, for the purposes of section 63 and Part 4 of the Act. Section 3 makes provision in relation to children as victims of domestic abuse.

Regulation 2(d) brings into force section 63 of the Act, which relates to special measures for victims of domestic abuse in family proceedings.

Regulation 2(e) brings into force Part 4 (sections 57-61) of the Act, which relates to local authority support for victims of domestic abuse.

Regulation 3(a) brings section 3 of the Act into force partially, for the purposes of section 79 of the Act.

Regulation 3(b) brings into force Part 2 (sections 4-21) of the Act, which relates to the appointment and functions of the Domestic Abuse Commissioner.

Regulation 3(c) brings into force section 79 of the Act which amends Part 4 of the Housing Act 1985 (c. 68) (the “1985 Act”). Part 4 of the 1985 Act relates to secure tenancies and the rights of secure tenants. Section 79 of the Act amends Part 4 of the 1985 Act to require local authorities to grant certain current or former victims of domestic abuse a new lifetime secure tenancy when housing or rehousing them for reasons connected with that abuse.

Regulation 3(d) brings into force section 84 of the Act which provides a power for the Secretary of State to issue guidance on the effect of provisions made under the Act and other matters relating to domestic abuse, and a duty to issue guidance about the effect of sections 1 and 2 of the Act and the effect of domestic abuse on children.

An impact assessment has not been published for these Regulations as no significant impact on the private, voluntary or public sector is foreseen independent of the provisions these Regulations

bring into force. An impact assessment has been published in relation to the Act and copies can be obtained from the Ministry of Justice, 102 Petty France, London, SW1H9AJ or from this website: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1007463/DA_Act_2021_Impact_Assessment.pdf

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Domestic Abuse Act 2021 have been brought into force by commencement regulations made before the date of these Regulations.

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|------------------------------|------------------------------------|------------------------|
| Sections 1 and 2 (partially) | 5th July 2021 | 2021/797 |
| Section 76 (partially) | 5th July 2021 | 2021/797 |
| Section 78 | 5th July 2021 | 2021/797 |

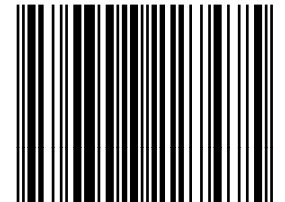
© Crown copyright 2021

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

<http://www.legislation.gov.uk/id/uksi/2021/1038>

ISBN 978-0-34-822747-5



9 780348 227475