

The following are some of the laws that are relevant to domestic abuse;

The Children Act 1989 and the Children Act 2004

This law establishes the legal framework for child protection and the key principle that the welfare of the child is the paramount consideration. It affirms that children should usually be cared for within their own home, but that children should also be safe and protected if they are at risk of significant harm. Section 17 makes provision for local authorities to provide support, care and services to safeguard and promote the welfare and development of the child and can be used, even if the mother has no recourse to public funds to support mothers and their children.

Adoption and Children Act 2002

Section 120 of the Adoption and Children Act 2002 extends the legal definition of 'significant harm' to children to include the harm caused by witnessing or overhearing abuse of another, especially in a context of domestic violence. It is important to remember that the responsibility for the harm lies with the abuser.

Female Genital Mutilation Act 2003

This Act came into force on 3 March 2004. It replaces the 1985 Act and makes it an offence for the first time for UK nationals or permanent UK residents to carry out Female Genital Mutilation (FGM) abroad, or to aid, abet, counsel or procure the carrying out of FGM abroad, even in countries where the practice is legal.

Domestic Violence Crime and Victims Act 2004

The Domestic Violence, Crime and Victims Act 2004, introduces new powers for the police and courts to tackle offenders whilst ensuring that victims get the support and protection they need. The new Act creates a number of important provisions for example: there are new procedures to deal with multiple offending; breach of non-molestation orders becomes a criminal offence; and causing or allowing the death of a child or vulnerable adult becomes a new offence.

The Gender Equality Duty 2007

The Gender Equality Duty requires all public bodies to respond to the needs of women and men fairly and tailor their services accordingly. Domestic violence disproportionately affects women and their children. Apart from the physical injuries sustained by victims and their children, those experiencing domestic violence are twice as likely to experience high levels of depression. They are also more likely to self harm and attempt suicide.

The Housing Act (1996)

The Housing Act (1996) broadened the definition of homelessness for those who are eligible for accommodation, including victims of domestic violence and articulating this explicitly. This legislation provides for housing assistance to victims by engaging with their landlords (supported housing), who can take special measures to assure the accommodation.

The Homelessness Act (2002)

The Homelessness Act (2002) broadened the definition of violence to include all types of violence, not only domestic violence (Smith, 2003). Moreover, the provision of safe

accommodation for victims of domestic violence has become a priority for local authorities who have been obliged to generate the homeless prevention strategies for victims of domestic abuse.

Criminal Law Sanctions

Murder - Common law

Manslaughter Common law

Breaches of Bail - Bail Act 1976 s6(1) (2) and (7)

Criminal damage - Criminal Damage Act 1971 s1 (1)

Common assault - Criminal Justice Act 1988 s39

Threats to kill - Offences against the Persons Act 1861 s16

GBH with intent - Offences against the Persons Act 1861 s18

GBH/wounding - Offences against the Persons Act 1861 s20

ABH - Offences against the Persons Act 1861 s47

Other Offences against the Persons Act 1861

Harassment - Protection from Harassment Act s2(1) and (2), 4(1)

Affray - Public Order Act 1986 s3

Threatening behaviour - Public Order Act 1986 s4

Threatening behaviour with intent - Public Order Act 1986 s4(A)

Rape - Sexual Offences Act 1956 s1

Assault - by penetration Sexual Offences Act 2003 s2

Sexual assault - Sexual Offences Act 2003 s3

Theft - Theft Act 1968 s1

Blackmail - Theft Act 1968 s21

Witness intimidation - Criminal Justice and Public Order Act 1994 s51

Criminal trespass - Criminal Law Act 1977 s6(1)

Child cruelty - Children and Young Persons Act 1933 s1

Child abduction - Child Abduction Act 1984 ss1 and 2

Trafficking for exploitation - Asylum and Immigration (Treatment of Claimants, etc) Act 2004 s4, Serious Organised Crime and Police Act 2005

Trafficking for sexual exploitation - Sexual Offences Act 2003 ss57-60; Serious Organised Crime and Police Act 2005

The legislation applied depends on the circumstances and offence of the domestic violence. Annex E of the *Crown Prosecution Service's Policy for Prosecuting Cases of Domestic Violence* (2011) provides a detailed outline of types of behaviour that can occur in cases of domestic violence and that might amount to a criminal offence.

Available at: http://www.cps.gov.uk/publications/prosecution/domestic/domv_guidance.html#a17