



# Domestic Abuse Act 2021

## 2021 CHAPTER 17

### PART 2

#### THE DOMESTIC ABUSE COMMISSIONER

##### *Duties of public authorities in relation to Commissioner*

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

- (1) The Commissioner may request a specified public 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 public authority must, so far as reasonably practicable, comply with a request made to it under this section.
- (3) In this section "specified public authority" means any of the following—
  - (a) a chief officer of police of a police force maintained for a police area in England and Wales;
  - (b) a local policing body;
  - (c) the Chief Constable of the British Transport Police Force;
  - (d) the British Transport Police Authority;
  - (e) the Ministry of Defence Police;
  - (f) an immigration officer or other official of the Secretary of State exercising functions in relation to immigration or asylum;
  - (g) the Crown Prosecution Service;
  - (h) the Parole Board;
  - (i) the Criminal Cases Review Commission;
  - (j) an English local authority;
  - (k) an NHS body in England;
  - (l) Her Majesty's Inspectors of Constabulary;
  - (m) Her Majesty's Chief Inspector of the Crown Prosecution Service;

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*Status: This is the original version (as it was originally enacted).*

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- (n) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;
  - (o) a body approved as an independent inspectorate under section 106 of the Education and Skills Act 2008 (inspection of registered independent educational institutions);
  - (p) the Care Quality Commission;
  - (q) Monitor.
- (4) The Secretary of State may by regulations amend this section so as to—
- (a) add a public authority as a specified public authority for the purposes of this section;
  - (b) remove a public authority added by virtue of paragraph (a);
  - (c) vary any description of a public authority.
- (5) Before making regulations under subsection (4) the Secretary of State must consult the Commissioner.
- (6) Regulations under subsection (4) may not contain provision adding a devolved Welsh authority as a specified public authority for the purposes of this section.
- (7) In this section—
- “devolved Welsh authority” has the meaning given by section 157A of the Government of Wales Act 2006;
  - “English local authority” means—
    - (a) a county council or district council in England,
    - (b) a London borough council,
    - (c) the Greater London Authority,
    - (d) the Common Council of the City of London in its capacity as a local authority, or
    - (e) the Council of the Isles of Scilly;
  - “immigration officer” means a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;
  - “NHS body in England” means—
    - (a) a National Health Service trust in England established under section 25 of the National Health Service Act 2006,
    - (b) an NHS foundation trust within the meaning given by section 30 of that Act,
    - (c) the National Health Service Commissioning Board,
    - (d) a clinical commissioning group established under section 14D of that Act, or
    - (e) the National Health Service Trust Development Authority;
  - “public authority” means any public authority within the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal.

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

- (1) This section applies where the Commissioner publishes a report under section 8 containing recommendations in relation to—
- (a) any public authority that is a specified public authority for the purposes of section 15;
  - (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 15, the Secretary of State.

## **17 Duty to send conclusions of domestic homicide review to Commissioner**

- (1) Section 9 of the Domestic Violence, Crime and Victims Act 2004 (establishment and conduct of domestic homicide reviews) is amended as follows.
- (2) After subsection (3A) insert—
  - “(3B) A person or body within subsection (4)(a) that establishes a domestic homicide review (whether or not held pursuant to a direction under subsection (2)) must send a copy of any report setting out the conclusions of the review to the Domestic Abuse Commissioner.
  - (3C) The copy must be sent as soon as reasonably practicable after the report is completed.”