



Victims and Prisoners Act 2024

2024 CHAPTER 21

PART 1 **U.K.**

VICTIMS OF CRIMINAL CONDUCT

PROSPECTIVE

Victims of domestic abuse

18 Restricting parental responsibility where one parent kills the other **E+W**

- (1) The Children Act 1989 is amended in accordance with subsections (2) to (7).
- (2) In section 8 (child arrangements orders and other orders with respect to children), in the closing words of subsection (3), after “include” insert “proceedings in the Crown Court under [section 10A](#) or”.
- (3) After section 10 insert—

“10A Duty of Crown Court to make prohibited steps order

- (1) This section applies where—
 - (a) a child has two parents at least one of whom has parental responsibility for the child, and
 - (b) a parent who has parental responsibility for the child (“the offender”) is convicted of the murder or, in the circumstances mentioned in [subsection \(2\)](#), manslaughter of the other parent.
- (2) The circumstances are where, but for section 54 of the Coroners and Justice Act 2009 (loss of control) or section 2 of the Homicide Act 1957 (diminished responsibility), the offender would have been liable to be convicted for murder.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Victims and Prisoners Act 2024, Cross Heading: Victims of domestic abuse. (See end of Document for details)

- (3) The Crown Court must make a prohibited steps order when sentencing the offender.
- (4) The order must—
 - (a) specify that no step of any kind which could be taken by a parent in meeting their parental responsibility for a child may be taken by the offender with respect to the child without the consent of the High Court or the family court, and
 - (b) be made to have effect until the order is varied or discharged by the High Court or the family court.
- (5) But the Crown Court must not make a prohibited steps order under this section if—
 - (a) making the order is prohibited by section 29(3) of the Adoption and Children Act 2002,
 - (b) a prohibited steps order is already in force that meets the requirements in [subsection \(4\)](#), or
 - (c) in a case where the offender is convicted of manslaughter, it appears to the Crown Court that it would not be in the interests of justice to do so.
- (6) Sections 1, 7 and 11 do not apply where the Crown Court proceeds under this section.
- (7) A prohibited steps order made under this section does not cease to have effect if the offender is acquitted of the murder or manslaughter on appeal (but see [section 10B\(3\)](#) and [\(4\)](#)).
- (8) A prohibited steps order made under this section is to be treated for the purposes of section 31F(6) of the Matrimonial and Family Proceedings Act 1984 (proceedings and decisions) as if it were made by the family court.
- (9) The Crown Court does not have jurisdiction to entertain any proceedings in connection with the enforcement of a prohibited steps order made under this section.

10B Review of orders made under section 10A

- (1) This section applies where a prohibited steps order is made under [section 10A](#) prohibiting the taking of steps by a parent with respect to a child.
- (2) The local authority that is the relevant local authority at the time the order is made must make an application to the court (see [section 92\(7\)](#)) to review the order.
- (3) [Subsection \(4\)](#) applies if—
 - (a) the application under [subsection \(2\)](#) has been disposed of (whether or not the order was varied), and
 - (b) the parent is acquitted on appeal of the murder or manslaughter that resulted in the making of the order.
- (4) The local authority that is the relevant local authority at the time the verdict of acquittal is entered must make an application to the court to review the order.

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- (5) An application under this section must be made as soon as is reasonably practicable and in any event before the end of the period of 14 days beginning with the day after the day on which—
- (a) in the case of an application under [subsection \(2\)](#), the order was made;
 - (b) in the case of an application under [subsection \(4\)](#), the verdict of acquittal was entered.
- (6) The Secretary of State may by regulations amend the period specified in [subsection \(5\)](#).
- (7) In this section “relevant local authority” means—
- (a) where the child with respect to whom the order was made is ordinarily resident within the area of a local authority in England or Wales, that local authority;
 - (b) where the child with respect to whom the order was made does not fall within [paragraph \(a\)](#) but is present within the area of a local authority in England or Wales, that local authority.”
- (4) In section 9 (restrictions on making section 8 orders)—
- (a) in subsection (1), after “applies” insert “or a prohibited steps order made under [section 10A](#)”;
 - (b) in subsection (6A), after “applies” insert “or a prohibited steps order made under [section 10A](#)”;
 - (c) after subsection (7) insert—
“(8) Subsection (7) does not apply to a prohibited steps order made under [section 10A](#).”
- (5) In section 33 (effect of care order), after subsection (3) insert—
- “(3A) Where a prohibited steps order made under [section 10A](#) is in force in relation to a parent, the authority may only exercise the power in subsection (3)(b) in relation to the taking of a step by that parent that is not prohibited by that order.”
- (6) In section 91 (effect and duration of orders etc)—
- (a) in subsection (2), after “section 8 order” insert “(other than a prohibited steps order made under [section 10A](#))”;
 - (b) after subsection (5A) insert—
“(5B) [Subsection \(5C\)](#) applies where—
 - (a) a prohibited steps order (the “existing order”) is in force prohibiting the taking of steps by a parent (“P”) with respect to a child (“C”), and
 - (b) a prohibited steps order is made under [section 10A](#) in relation to P with respect to C.
- (5C) The existing order is discharged (except to the extent that it prohibits the taking of steps other than by P with respect to C).”
- (7) In section 104 (regulations and orders)—
- (a) in each of subsections (2) and (3A), after “subsection” insert “[\(3AZA\)](#)”;
 - (b) after subsection (3A) insert—

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“(3AZA) Regulations fall within this subsection if they are regulations made in the exercise of the power conferred by [section 10B\(6\)](#).”

(8) In section 50 of the Criminal Appeal Act 1968 (meaning of “sentence”), after subsection (2) insert—

“(2A) A prohibited steps order made under [section 10A](#) of the Children Act 1989 is not a sentence for the purposes of this Act.”

Commencement Information

II S. 18 not in force at Royal Assent, see [s. 81\(2\)](#)

19 Domestic abuse related death reviews **E+W+N.I.**

(1) The Domestic Violence, Crime and Victims Act 2004 is amended in accordance with subsections (2) to (4).

(2) After section 8 insert—

“Domestic abuse related death reviews

8A Establishment and conduct of reviews

(1) In this section “domestic abuse related death review” means a review of the circumstances of the death of a person which is held—

- (a) where the death has, or appears to have, resulted from domestic abuse towards the person within the meaning of the Domestic Abuse Act 2021, and
- (b) with a view to identifying the lessons to be learned from the death.

(2) The Secretary of State may in a particular case direct a specified person or body within [subsection \(6\)](#) to establish, or to participate in, a domestic abuse related death review.

(3) It is the duty of any person or body within [subsection \(6\)](#) establishing or participating in a domestic abuse related death review (whether or not held pursuant to a direction under [subsection \(2\)](#)) to have regard to any guidance issued by the Secretary of State as to the establishment and conduct of such reviews.

(4) A person or body within [subsection \(6\)](#) that establishes a domestic abuse related death 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 Secretary of State and the Domestic Abuse Commissioner.

(5) The copy must be sent as soon as reasonably practicable after the report is completed.

(6) The persons and bodies within this subsection are—
 chief officers of police for police areas in England and Wales;

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local authorities;
NHS England;
integrated care boards established under section 14Z25 of the National Health Service Act 2006;
providers of probation services;
Local Health Boards established under section 11 of the National Health Service (Wales) Act 2006;
NHS trusts established under section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006.

- (7) In [subsection \(6\)](#) “local authority” means—
- (a) in relation to England, the council of a district, county or London borough, the Common Council of the City of London and the Council of the Isles of Scilly;
 - (b) in relation to Wales, the council of a county or county borough.

(8) The Secretary of State may by order amend [subsection \(6\)](#) or [\(7\)](#).”

- (3) In section 9 (establishment and conduct of domestic homicide reviews)—
- (a) in each of subsections (2) and (3)—
 - (i) for “Secretary of State” substitute “Department of Justice in Northern Ireland”;
 - (ii) for “(4)” substitute “(4)(b)”;
 - (b) omit subsections (3A), (3B), (3C), (4)(a), (5) and (6).
- (4) In section 61 (orders), in subsection (3), for “9(6)” substitute “8A(8)”.
- (5) In section 26 of the Police, Crime, Sentencing and Courts Act 2022 (relationship of offensive weapons homicide reviews with other review requirements), in subsection (1)(b)—
- (a) after “of a” insert “domestic abuse related death review or”;
 - (b) for “section” substitute “sections 8A and”.

Commencement Information

I2 S. 19 not in force at Royal Assent, see [s. 81\(2\)](#)

20 Child victims of domestic abuse **E+W**

- (1) The Domestic Abuse Act 2021 is amended as follows.
- (2) After section 49 insert—

“Notifying schools etc if child is suspected victim of domestic abuse

49A Arrangements to notify schools etc

- (1) A chief officer of police of a police force maintained for a police area must ensure that arrangements are in place to secure the objective in [subsection \(2\)](#).

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- (2) The objective is that, if a member of the force has reasonable grounds to believe that a child who resides in the police area may be a victim of domestic abuse, any relevant educational establishment is notified as soon as is reasonably practicable except in such circumstances as may be specified in regulations made by the Secretary of State.
- (3) For the purposes of this section, each of the following is a relevant educational establishment in relation to a child—
- (a) a school at which the child is a registered pupil;
 - (b) if the child is not a registered pupil at a school—
 - (i) if the child is receiving education at only one educational establishment, that establishment;
 - (ii) if the child is receiving education at more than one educational establishment, such one or more of those establishments as is determined in accordance with the arrangements in place under [subsection \(1\)](#) for the police area in which the child resides.
- (4) In this section—
- “child” means a person under the age of 18 years;
- “educational establishment” means—
- (a) a school in England or Wales;
 - (b) an institution within the further education sector, within the meaning given by section 91(3) of the Further and Higher Education Act 1992;
 - (c) in relation to England, a 16 to 19 Academy, within the meaning given by section 1B of the Academies Act 2010;
- “registered pupil”, in relation to a school, has the meaning given by section 434 of the Education Act 1996;
- “school” has the meaning given by section 4 of the Education Act 1996.

49B Power to extend [section 49A](#) to childcare providers

- (1) The Secretary of State may by regulations amend [section 49A](#) so that the objective in [subsection \(2\)](#) of that section applies in relation to childcare providers, or childcare providers of particular descriptions, as it applies in relation to relevant educational establishments.
- (2) In this section—
- “childcare”—
- (a) in relation to England, has the meaning given by section 18 of the Childcare Act 2006;
 - (b) in relation to Wales, means anything that amounts to child minding or day care for children for the purposes of Part 2 of the [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#) (see section 19(2) to (5) of that Measure);
- “childcare provider” means—
- (a) in relation to England, a person who provides childcare—

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- (i) in respect of which the person is registered under Part 3 of the Childcare Act 2006,
 - (ii) in respect of which the person would, but for section 34(2) or 53(2) of that Act, be required to be registered under Chapter 2 or 3 of Part 3 of that Act, or
 - (iii) in respect of which the person would, but for section 63(3) of that Act, be able to be registered under Chapter 4 of Part 3 of that Act;
- (b) in relation to Wales, a person who provides childcare in respect of which the person is registered under Part 2 of the Children and Families (Wales) Measure 2010.”
- (3) In the italic heading before section 50, for “and orders” substitute “, orders and notification arrangements”.
- (4) In section 56 (interpretation of Part 3), in subsection (4), after paragraph (b) insert—
“(c) section 3 (children as victims of domestic abuse).”
- (5) In section 87 (regulations), in subsection (6), after paragraph (a) insert—
“(aa) regulations under [section 49B](#),”.

Commencement Information

I3 S. 20 not in force at Royal Assent, see [s. 81\(2\)](#)

Status:

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