

DOMESTIC VIOLENCE, CRIME AND VICTIMS BILL RECEIVES ROYAL ASSENT

Protection and support for victims of crime was greatly strengthened today as the Domestic Violence, Crime and Victims Bill received Royal Assent.

The Act is the biggest overhaul of domestic violence legislation for thirty years and heralds tough new powers for the police and the courts to tackle offenders, while ensuring victims get the support and protection they need.

The Home Secretary, David Blunkett, paid tribute to the work of victims and voluntary organisations who have helped to make the Act such a strong piece of legislation. With a statutory code of practice providing a range of rights to victims for the first time ever, and the establishment of an independent Commissioner, the measures in the Act build on the Government's ongoing reform to put victims at the heart of the criminal justice system.

The Act will ensure more offenders pay towards supporting victims. The Criminal Injuries Compensation Authority will be able to recover money from offenders, and a surcharge will be placed on criminal convictions and fixed penalty notices which will contribute to the Victims Fund. For motoring offenders the surcharge will only apply to the most serious and persistent offenders.

The Act also creates a new offence of causing or allowing the death of a child or vulnerable adult. This will help to ensure that offenders who remain silent or blame each other do not escape justice.

Mr Blunkett said:

"Domestic violence is a horrendous crime which costs the lives of two women every week. Victims often suffer in silence and isolation and we are driving forward a change in culture so that everyone understands that domestic violence is never acceptable.

"This is the biggest shake-up of domestic violence legislation for thirty years. The Domestic Violence, Crime and Victims Act will ensure that victims get the help, support and protection they need to rebuild their lives, as well as helping to convict the guilty.

"It is timely that Victim Support is today celebrating its 30th anniversary and I would particularly like to thank all the victims and voluntary organisations who have contributed to making this Act an effective piece of legislation which will stand the test of time.

"The establishment of an independent Commissioner for Victims will give victims a powerful voice at the heart of Government. The Act will also give victims a range of rights for the first time and help to increase support for victims by making offenders pay more toward compensation. We want to provide more funding to the voluntary sector and communities to meet local needs."

Chief Executive of Victim Support, Dame Helen Reeves DBE, said:

"Victim Support is today not only celebrating thirty years of work to improve services for victims, but also a major advance in victims' rights. The new Domestic Violence, Crime and Victims' Bill, for which Royal Assent is expected today, will put in place statutory rights for victims and introduce a Commissioner to look after their interests. We have been calling for these measures for ten years, so it is hugely gratifying to see our ideas come to fruition on today of all days. We wholeheartedly welcome the Royal Assent of the Bill and its provisions which, if fully implemented and properly resourced, should go a long way to safeguard the rights and needs of people affected by crime."

Key provisions in the Act include:

- Making common assault an arrestable offence.
- Significant new police powers to deal with domestic violence including making it an arrestable, criminal offence to breach a non-molestation order, punishable by up to five years in prison.
- Strengthening the civil law on domestic violence to ensure cohabiting same-sex couples have the same access to non-molestation and occupation orders as opposite sex couples, and extending the availability of these orders to couples who have never lived together or been married.
- Stronger legal protection for victims of domestic violence by enabling courts to impose restraining orders when sentencing for any offence. Until now, such orders could only be imposed on offenders convicted of harassment or causing fear of violence.
- Enabling courts to impose restraining orders on acquittal for any offence (or if a conviction has been overturned on appeal) if they consider it necessary to protect the victim from harassment. This will deal with cases where the conviction has failed but it is still clear from the evidence that the victims need protecting.
- Putting in place a system to review domestic violence homicide incidents, drawing in the key agencies, to find out what can be done to put the system right and prevent future deaths.
- Providing a code of practice, binding on all criminal justice agencies, so that all victims receive the support, protection, information and advice they need.
- Allowing victims to take their case to the Parliamentary Ombudsman if they feel the code has not been adhered to by the criminal justice agencies.

- Setting up an independent Commissioner for Victims to give victims a powerful voice at the heart of Government and to safeguard and promote the interests of victims and witnesses, encouraging the spread of good practice and reviewing the statutory code.
- Giving victims of mentally disordered offenders the same rights to information as other victims of serious violent and sexual offences.
- Giving the Criminal Injuries Compensation Authority the right to recover from offenders the money it has paid to their victims in compensation.
- A surcharge to be payable on criminal convictions and fixed penalty notices which will contribute to the Victims Fund. For motoring offenders the surcharge will only apply to serious and persistent offenders.
- Closing a legal loophole by creating a new offence of causing or allowing the death of a child or vulnerable adult. The offence establishes a new criminal responsibility for members of a household where they know that a child or vulnerable adult is at significant risk of serious harm.
- Bringing in the Law Commission recommendation for a two stage court trial to ensure that high volume crimes like fraud and internet child pornography can be punished in full.

Notes to Editors

1. The Domestic Violence, Crime and Victims Act will be available at www.parliament.uk
2. The Domestic Violence, Crime and Victims Bill was published on 2 December 2003 (CJS press notice 011/2003). 'Safety and Justice' the domestic violence consultation paper was published in June 2003 (Home Office press notice 168/2003). Consultation ended on 12 September 2003, and the summary of responses was published in December 2003.
3. The Act complements the Government's ongoing commitment to improving services for victims of crime (Home Office press notice 207/2004).
4. The consultation paper 'Compensation and Support for Victims of Crime' was published on 12 January 2004 (Home Office press notice 012/2004).
5. The Victims Fund was announced by the Home Secretary on 28 April. £4million from the proceeds of crime have already been dedicated to supporting victims of rape and sexual assault.
6. Domestic violence accounts for 16 per cent of all crime (Crime in England and Wales 2003/4, Home Office 2004).