

Appendix 14: Domestic Abuse Legislation in the UK and ROI

[Domestic Abuse Act 2021](#)

Created a statutory definition of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, controlling or coercive, and economic abuse. See also Domestic Abuse act 2021: Overarching Factsheet.

[The Domestic Abuse and Family Proceedings Act 2021](#)

This bill creates a new domestic abuse offence for Northern Ireland that will make domestic abuse in all its forms a criminal offence. The bill legislates for controlling and coercive behaviour, as well as physical abuse, against a partner, former partner or family member.

[Domestic Violence \(ROI\) Act 2018](#)

The Domestic Violence Act 2018 greatly improved domestic violence legislation in Ireland. It consolidated existing law on domestic violence and provides for additional protections for victims.

[Domestic Abuse \(Scotland\) Act 2018](#)

The Domestic Abuse (Scotland) Act 2018 came into force in 2019. It recognises the multiple ways in which people are affected by domestic abuse. It also expands the definition of domestic abuse in Scottish criminal law, and how the police and courts investigate and prosecute this crime.

[Violence against Women, Domestic Abuse and Sexual Violence \(Wales\) Act 2015](#)

This Act aims to improve the public sector response in Wales to domestic abuse and violence against women.

Laws Protecting Children and Adults at Risk of Harm

[Children Act 1989](#)

Allowed the court may make a barring order under section 91(14) of the Children Act 1989 to prevent family proceedings that can further traumatise victims.

[Working Together to Safeguard Children 2023: Statutory Guidance](#)

A guide to multi-agency working to help, protect and promote the welfare of children.

[Working Together to Safeguard Children 2023: Statutory Framework](#)

Legislation relevant to safeguarding and promoting the welfare of children.

[Children Act 2004](#) and [Children and Families Act 2014](#)

The Children Act 2004 requires local authorities to make arrangements to promote cooperation between relevant partners with a view to improving the well-being of children locally. The Children and Families Act 2014 introduced a number of reforms notably around adoption and the time limit for courts to decide whether or not a child should be taken into care.

[Children and Social Work Act 2017](#)

Provides amendments to both the Children Act 1989 and the Children Act 2004

[Care Act 2014](#)

Sets out how people's care and support needs should be met and introduces the right to an assessment for anyone, including carers, in need of support. It introduces a 'well-being principle' which places people's well-being at the centre of care and support services.

Care Act 2014 - [Care and Support Statutory Guidance Issued under the Care Act 2014](#)

This is the first time we have had a law telling councils what to do to help keep adults safe from abuse or neglect. It explains what abuse is and what organisations can do to work together to keep people safe.

[Safeguarding Vulnerable Groups 2006](#)

Introduced to restrict contact between children and persons at risk with those who might do them harm. Principles:

- unsuitable persons should be barred from working with children or persons at risk
- employers should have a straightforward means of checking that a person is not barred from working with children or persons at risk
- suitability checks should not be one-offs: there should be an element of ongoing assessment of suitability to catch those who commit wrongs following a suitability check

[Mental Capacity Act 2005](#)

There will be circumstances where an individual adult appears not to be able to make a decision about whether to consent to information being shared with others. The Mental Capacity Act and the associated code of practice contain guidance about the consideration of a person's capacity, or lack of capacity, to give consent to sharing information. The starting assumption must be that the person has capacity unless it is established that they do not, and only then after all practical steps to help the person make the relevant decision have been taken but have been unsuccessful. An unwise decision taken by the relevant person does not mean they lack capacity. Where a decision is made on behalf of the person who lacks capacity to share personal information, it must still comply with the requirements of the Data Protection Act and be in their best interests.

[Age UK Factsheet 78: Safeguarding Older People from Abuse and Neglect](#), December 2023

Explains the new laws on safeguarding adults and helps individuals decide what to do where there are concerns that an older person may be at risk of abuse or neglect.