

ACCOMPANYING DOCUMENTS

Explanatory Notes and an Explanatory Memorandum are printed separately.

# Violence against Women, Domestic Abuse and Sexual Violence (Wales) Bill

[AS PASSED]

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# Violence against Women, Domestic Abuse and Sexual Violence (Wales) Bill

[AS PASSED]

An Act of the National Assembly for Wales to improve arrangements for the prevention of gender-based violence, domestic abuse and sexual violence; to improve arrangements for the protection of victims of such abuse and violence; to improve support for people affected by such abuse and violence; and to require the appointment of a National Adviser on gender-based violence,  
5 domestic abuse and sexual violence.

**Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:**

## *Introduction*

### **1 The purpose of this Act**

- 10 (1) The purpose of this Act is to improve—
- (a) arrangements for the prevention of gender-based violence, domestic abuse and sexual violence;
  - (b) arrangements for the protection of victims of gender-based violence, domestic abuse and sexual violence;
  - 15 (c) support for people affected by gender-based violence, domestic abuse and sexual violence.
- (2) See section 24 for the definitions of “gender-based violence”, “domestic abuse” and “sexual violence”.

### **2 Violence against women and girls**

- 20 (1) A person exercising relevant functions must have regard (along with all other relevant matters) to the need to remove or minimise any factors which—
- (a) increase the risk of violence against women and girls, or
  - (b) exacerbate the impact of such violence on victims.

- (2) In this section—

25 “relevant functions” (*“swyddogaethau perthnasol”*) means the functions under sections 3, 4, 5, 6, 7(2), 8, 10, 11, 15, 16(1), 17, 19, 20, 21, 22(1) and (4), but it does not include any functions exercisable under section 5 by a person who is neither a local authority nor a Local Health Board;

30 “violence against women and girls” (*“trais yn erbyn menywod a merched”*) means gender-based violence, domestic abuse and sexual violence where the victim is female.

*National strategy***3 Duty to prepare, publish and review a national strategy**

- (1) The Welsh Ministers must prepare and publish a strategy (a “national strategy”) which –
- 5 (a) specifies objectives that the Welsh Ministers consider will, if achieved, contribute to the pursuit of the purpose of this Act;
- (b) specifies the periods of time within which the Welsh Ministers expect to achieve the specified objectives;
- 10 (c) identifies the actions the Welsh Ministers propose to take to achieve the specified objectives.
- (2) The Welsh Ministers may specify objectives relating to Wales or any part of Wales.
- (3) The first national strategy must be published no later than 6 months after the date on which the first general election is held following the commencement of this section.
- (4) No later than 6 months after the date of each subsequent general election, the Welsh
- 15 Ministers must review the national strategy.
- (5) The Welsh Ministers may review the national strategy at any other time.
- (6) If the Welsh Ministers decide to revise the national strategy following a review, they must publish the revised strategy as soon as is reasonably practicable.
- (7) The Welsh Ministers must consult such persons as they consider appropriate before –
- 20 (a) publishing the first national strategy under this section;
- (b) revising the national strategy.
- (8) In this section, “general election” means –
- (a) the poll held at an ordinary general election under section 3 of the Government of Wales Act 2006 (c.32), or
- 25 (b) the poll held at an extraordinary general election under section 5 of that Act.

**4 Duty to implement the national strategy**

The Welsh Ministers must, in exercising their functions, take all reasonable steps to achieve the objectives specified in the most recently published national strategy.

*Local strategies***30 5 Duty to prepare local strategies**

- (1) A local authority and a Local Health Board any part of whose area lies within the area of the local authority must jointly prepare a strategy (“a local strategy”) for the local authority’s area.

- (2) A local strategy must –
- (a) specify objectives which the local authority and the Local Health Board consider will, if achieved, contribute to the pursuit of the purpose of this Act;
  - (b) specify the periods of time within which the local authority and the Local Health Board propose to achieve the specified objectives;
  - (c) identify the actions the local authority and the Local Health Board propose to take to achieve the specified objectives.
- (3) A local authority and a Local Health Board may specify objectives relating to the whole of the authority's area or any part of it.
- (4) A local strategy may also include provision relating to specific action which the local authority and the Local Health Board expect to be taken in relation to the local authority's area by –
- (a) any public authority with functions which are capable of contributing to the pursuit of the purpose of this Act, or
  - (b) any voluntary organisation or other person whose activities are capable of contributing to the pursuit of that purpose.
- (5) But the inclusion in a local strategy of any provision relating to action mentioned in subsection (4) requires the approval of the body or person concerned.

## **6 Publication and review of local strategies**

- (1) A local authority and a Local Health Board's first local strategy must be published no later than one year after the date on which the first ordinary election is held following the date on which section 5(1) is commenced.
- (2) No later than one year after the date of each subsequent ordinary election, a local authority and Local Health Board must review their local strategy.
- (3) A local authority and a Local Health Board –
- (a) may review their local strategy at any other time, and
  - (b) must review their local strategy if directed to do so in writing by the Welsh Ministers.
- (4) A direction under subsection (3)(b) must state the reasons for giving the direction.
- (5) If a local authority and a Local Health Board decide to revise their local strategy following a review, they must publish the revised strategy as soon as is reasonably practicable.
- (6) A local authority and Local Health Board must consult such persons as they consider appropriate before –
- (a) publishing their first local strategy;
  - (b) revising their local strategy.
- (7) In this section, "ordinary election" means an election held under section 26 of the Local Government Act 1972 (c.70) (elections of councillors to local authorities).

**7 Matters to which regard must be had in preparing or reviewing a local strategy**

- (1) In preparing and reviewing a local strategy, a local authority and Local Health Board must have regard to—
- (a) the most recently published national strategy;
  - (b) the most recent assessment for the local authority's area under section 14 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) (assessment of needs for care and support, support for carers and preventative services);
  - (c) the most recent strategic assessment prepared in accordance with regulations under section 6 of the Crime and Disorder Act 1998 (c.37) relating to reducing crime and disorder in the local authority area;
  - (d) the most recent strategic assessment prepared in accordance with regulations under that section relating to combating substance misuse in the local authority area;
  - (e) the most recent strategic assessment prepared in accordance with regulations under that section relating to the reduction of re-offending in the local authority area.
- (2) The Welsh Ministers may by regulations make provision for and in connection with requiring—
- (a) a local authority and Local Health Board to have regard to anything specified in the regulations when preparing or reviewing a local strategy;
  - (b) a local authority or a Local Health Board to conduct further assessments for the purpose of this Act in relation to any matter specified in the regulations.
- (3) The power to make regulations in subsection (2) is to be exercised by statutory instrument.
- (4) A statutory instrument containing regulations made under subsection (2) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

**8 Duty to implement local strategies**

- (1) A local authority must, in exercising its functions, take all reasonable steps to achieve the objectives specified in the most recently published local strategy for its area.
- (2) The Local Health Board with which the authority prepared that strategy must, in exercising its functions, take all reasonable steps to achieve the objectives specified in the strategy.

*Education*

**9 Information about educational provision to promote the purpose of this Act**

- (1) The Education Act 1996 (c.56) is amended as follows.
- (2) In section 29, after subsection (5) insert—

“(6A) The Welsh Ministers may, by regulations, require local authorities in Wales to publish prescribed information, at such times and in such manner as may be prescribed, for the purpose of providing information to the public about whether, and if so how, local authority education functions are being exercised to promote the purpose of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (see section 1 of that Act).”

(3) In section 408 –

(a) in subsection (4)(f), omit “and”;

(b) in subsection (4)(g), after “409” insert “; and”;

(c) after subsection (4)(g), insert –

“(h) in so far as subsection (1) applies in relation to Wales, sections 403 and 404”;

(d) after subsection (8), insert –

“(8A) In exercising their functions under subsection (1), the Welsh Ministers must have regard to the desirability of information being available to parents and others about whether, and if so how, any parts of the curriculum and any educational provision at maintained schools (other than maintained nursery schools) promote the purpose of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (see section 1 of that Act).”

(4) In section 569(2B), after “sections” insert “29(6A),”.

## 10 Guidance to further and higher education institutions

(1) The Welsh Ministers may issue guidance to the governing bodies of institutions in Wales within the further education sector on how the bodies may contribute to the pursuit of the purpose of this Act.

(2) The Higher Education Funding Council for Wales (“HEFCW”) may issue guidance to the governing bodies of institutions in Wales within the higher education sector on how the bodies may contribute to the pursuit of the purpose of this Act.

(3) But the Welsh Ministers and HEFCW may not issue guidance under this section –

(a) which is directed at a particular institution,

(b) in respect of courses or programmes of research (including the contents of such courses or programmes or the manner in which they are taught, supervised or assessed),

(c) in respect of the criteria for admission of students, or

(d) in respect of the criteria for the selection and appointment of academic staff.

(4) A governing body to which guidance is issued under this section must have regard to it.

(5) Before issuing guidance under this section the Welsh Ministers and HEFCW must consult such persons as they consider appropriate.

- (6) Guidance issued under this section must be published.
- (7) For the purposes of this section, an institution –
- (a) is in Wales if its activities are carried on wholly or principally in Wales,
  - (b) is within the further education sector if it falls within section 91(3) of the Further and Higher Education Act 1992 (c.13) (“the 1992 Act”), and
  - (c) is within the higher education sector if it falls within section 91(5) of the 1992 Act.
- (8) Until 31 August 2017, “institution within the higher education sector” also includes a university which is treated as being a regulated institution for the purpose of the transitional provision made by Part 2 of the Schedule to the Higher Education (Wales) Act 2015 (anaw 1).
- (9) In this section “governing body” has the meaning given by section 90 of the 1992 Act.

*Measuring performance towards achieving the purpose of this Act*

## **11 National indicators**

- (1) The Welsh Ministers must –
- (a) publish indicators (“national indicators”) that may be applied for the purpose of measuring progress towards the achievement of the purpose of this Act;
  - (b) lay a copy of the national indicators before the National Assembly.
- (2) A national indicator –
- (a) must be expressed as a value or characteristic that can be measured quantitatively or qualitatively against a particular outcome;
  - (b) may be measured over such period of time as the Welsh Ministers consider appropriate;
  - (c) may be measurable in relation to Wales or any part of Wales.
- (3) The Welsh Ministers may review and revise the national indicators at any time.
- (4) Where the Welsh Ministers revise the national indicators under subsection (3), they must as soon as reasonably practicable –
- (a) publish the indicators as revised, and
  - (b) lay a copy of them before the National Assembly.
- (5) Before publishing national indicators (including indicators revised under subsection (3)), the Welsh Ministers must consult such persons as they consider appropriate.

## **12 Annual progress reports by the Welsh Ministers**

- (1) The Welsh Ministers must, in respect of each financial year, publish a report –
- (a) of the progress they have made towards achieving the objectives in the national strategy;



(b) of the progress made towards achieving the purpose of this Act in Wales by reference to the national indicators published under section 11.

(2) Where the Welsh Ministers have revised the national strategy during the period to which the report relates, the report must include an explanation of the reasons for the revision.

(3) Any report under this section published during the period of 12 months beginning with the date of a general election must contain predictions of likely future trends and any other analytical data and information relating to the purpose of this Act that the Welsh Ministers consider appropriate.

(4) In subsection (3), the reference to the date of a general election is to the date on which an ordinary general election is held under section 3 of the Government of Wales Act 2006 (c.32) (or would be apart from section 5(5) of that Act).

(5) A report under this section must be published and laid before the National Assembly as soon as reasonably practicable following the end of the financial year to which the report relates.

### **13 Annual progress reports by local authorities and Local Health Boards**

(1) A local authority and Local Health Board must publish, in respect of each financial year, a report of the progress they have made in achieving the objectives specified in their local strategy.

(2) Where a local authority and a Local Health Board have revised their strategy during the period to which the report relates, the report must include an explanation of the reasons for the revision.

(3) A report under this section must be published as soon as reasonably practicable following the end of the financial year to which the report relates.

*Guidance and directions in relation to the purpose of this Act*

### **14 Meaning of “relevant authority”**

In this Act, “relevant authority” means –

(a) a local authority;

(b) a Local Health Board;

(c) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c.21), or a scheme to which section 4 of that Act applies;

(d) a National Health Service trust established under section 18 of the National Health Service (Wales) Act 2006 (c.42).

### **15 Power to issue statutory guidance**

(1) The Welsh Ministers may issue guidance to a relevant authority on how the authority should exercise its functions with a view to contributing to the pursuit of the purpose of this Act (“statutory guidance”).

(2) The statutory guidance may, amongst other things, address –

- (a) steps an authority may take to increase awareness of, or change attitudes in relation to, gender-based violence, domestic abuse and sexual violence (for example, by designating a member of staff for that purpose or undertaking or assisting with a programme of public education);
- (b) the commissioning by relevant authorities of specialist advice or other assistance relating to gender-based violence, domestic abuse or sexual violence;
- (c) the circumstances in which it is appropriate for persons acting on behalf of a relevant authority to ask a person if he or she is suffering or at risk of gender-based violence, domestic abuse and sexual violence;
- (d) the action that is appropriate where a person acting on behalf of a relevant authority has reason to suspect that a person is suffering or at risk of gender-based violence, domestic abuse and sexual violence;
- (e) workplace policies to promote the well-being of employees of relevant authorities who may be affected by gender-based violence, domestic abuse and sexual violence;
- (f) training for the members and staff of a relevant authority;
- (g) the sharing of information between relevant authorities or by a relevant authority with another person;
- (h) co-operation between relevant authorities or between a relevant authority and other persons.

(3) The Welsh Ministers –

- (a) may issue statutory guidance to relevant authorities generally or to one or more particular authorities;
- (b) may issue different statutory guidance to different relevant authorities;
- (c) may revise or revoke statutory guidance by further guidance;
- (d) may revoke statutory guidance by issuing a notice to the relevant authority to which it is directed.

(4) The Welsh Ministers must ensure that statutory guidance, or a notice revoking such guidance, states –

- (a) that it is issued under this section, and
- (b) the date on which it is to take effect.

(5) The Welsh Ministers must arrange for statutory guidance, or a notice revoking such guidance, to be published.

**16 Consultation and National Assembly for Wales procedures**

- (1) Before issuing or revising statutory guidance, the Welsh Ministers must consult such persons as they consider appropriate on a draft of the guidance.
- (2) If the Welsh Ministers wish to proceed with the draft (with or without modifications) they must lay a copy of the draft before the National Assembly for Wales.

- (3) If, before the end of the 40 day period, the National Assembly resolves not to approve the draft of the guidance, the Welsh Ministers must not issue it in the form of that draft.
- (4) If no such resolution is made before the end of that period, the Welsh Ministers must issue the guidance (or revised guidance) in the form of the draft.
- 5 (5) The 40 day period –
- (a) begins on the day on which the draft is laid before the National Assembly, and
  - (b) does not include any time during which the National Assembly is dissolved or is in recess for more than four days.
- (6) Subsection (3) does not prevent a new draft of proposed guidance or proposed revised
- 10 guidance from being laid before the National Assembly.

## **17 Duty to follow statutory guidance**

- (1) A relevant authority must follow the course set out in guidance issued to it in accordance with this Act when exercising a power or duty (including a power or duty that is contingent upon the opinion of the authority concerned); but this is subject to the
- 15 following provisions of this section.
- (2) A relevant authority is not subject to the duty under subsection (1) so far as –
- (a) the authority concerned thinks there is good reason for it not to follow the guidance in particular categories of case or at all,
  - (b) it decides on an alternative policy for the exercise of its functions in respect of the
  - 20 subject matter of the guidance, and
  - (c) a policy statement issued by the authority in accordance with section 18 is in effect.
- (3) Where subsection (2) applies in the case of an authority to which this section applies, the authority –
- 25 (a) must follow the course set out in the policy statement, and
- (b) is subject to the duty under subsection (1) only so far as the subject matter of the guidance is not displaced by the policy statement.
- (4) The duties in subsections (1) and (3) do not apply to a relevant authority so far as it would be unreasonable for the authority to follow the statutory guidance or policy
- 30 statement in a particular case or category of case.

## **18 Policy statements: requirements and ancillary powers**

- (1) A policy statement issued under section 17(2) must set out –
- (a) how the relevant authority proposes that functions should be exercised differently from the course set out in the statutory guidance, and
  - 35 (b) the authority's reasons for proposing that different course.
- (2) An authority that has issued a policy statement may –

- (a) issue a revised policy statement;
  - (b) give notice revoking a policy statement.
- (3) A policy statement (or revised statement) must state –
- (a) that it is issued under section 17(2), and
  - (b) the date on which it is to take effect.
- (4) The authority that issues a policy statement (or revised statement), or gives a notice under subsection (2)(b), must –
- (a) arrange for a statement or notice to be published;
  - (b) send a copy of any statement or notice to the Welsh Ministers.

## 19 Directions

- (1) Subsection (2) applies if, in relation to a policy statement issued by a relevant authority, the Welsh Ministers consider that the authority's alternative policy for the exercise of functions (in whole or in part) is not likely to contribute to the pursuit of the purpose of this Act.
- (2) The Welsh Ministers may direct the relevant authority to take any action which the Welsh Ministers consider appropriate for the purpose of securing the exercise of functions by the authority in accordance with the statutory guidance issued to the authority in accordance with this Act.
- (3) A relevant authority subject to a direction under this section must comply with it; this includes a direction to exercise a power or duty that is contingent upon the opinion of the relevant authority.
- (4) A direction under this section –
- (a) must be given in writing;
  - (b) may be varied or revoked by a later direction;
  - (c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.

### *National Adviser*

## 20 National Adviser

- (1) The Welsh Ministers must appoint a person as the National Adviser.
- (2) The person appointed as National Adviser holds office in accordance with the terms of the appointment.
- (3) The Welsh Ministers may pay expenses, remuneration and allowances in respect of the Ministerial Adviser.
- (4) The Welsh Ministers may pay –
- (a) pensions in respect of persons who have been the Ministerial Adviser, and
  - (b) amounts for or towards provision of pensions in respect of persons who have been the Ministerial Adviser.
- (5) The Welsh Ministers may provide the Ministerial Adviser with –

- (a) such staff, and
  - (b) such accommodation, equipment and other facilities,
- as the Welsh Ministers consider necessary for the exercise of the National Adviser's functions.

5 **21 Functions of the Adviser**

- (1) The National Adviser is to exercise the following functions, subject to the direction of the Welsh Ministers –
- (a) to advise the Welsh Ministers about pursuing the purpose of this Act or tackling related matters (see subsection (2));
  - 10 (b) to give other assistance to the Welsh Ministers in their pursuit of the purpose of this Act or tackling related matters;
  - (c) to undertake research relating to pursuing the purpose of this Act, tackling related matters or examining whether abuse of any kind is related directly or indirectly to inequality of any kind between people of a different gender, gender identity or sexual orientation;
  - 15 (d) to advise and give other assistance, with the agreement of the Welsh Ministers, to any person on matters relating to pursuing the purpose of this Act or tackling related matters;
  - 20 (e) produce reports on any matter relating to the purpose of this Act or tackling related matters.
- (2) A “related matter” for the purpose of subsection (1) is abuse which the National Adviser considers to be related directly or indirectly to inequality of any kind between people of a different gender, gender identity or sexual orientation.
- (3) If the National Adviser requests that a relevant authority provides information for the purpose of the exercise of any of the Adviser's functions, the authority must comply with the request unless the authority considers that doing so would –
- 25 (a) be incompatible with the authority's own duties, or
  - (b) otherwise have an adverse effect on the exercise of the authority's functions.
- (4) A relevant authority which decides not to comply with a request under subsection (3)
- 30 must notify the National Adviser in writing of the reasons for the decision.

**22 Annual plan and annual reports**

- (1) Before 30 November in each financial year the Ministerial Adviser must –
- 35 (a) prepare an annual plan setting out how the Ministerial Adviser proposes to exercise the Ministerial Adviser's functions during the following financial year, and
  - (b) submit the annual plan to the Welsh Ministers for approval.

- (2) An annual plan must—
- (a) state the Ministerial Adviser's objectives and priorities for the financial year covered by the report;
  - (b) state any matters on which the Ministerial Adviser proposes to report under section 21(1)(e) during that year;
  - (c) state any other activities the National Adviser proposes to undertake during that year in the exercise of the National Adviser's functions.
- (3) The National Adviser may consult any person in preparing an annual plan.
- (4) The Welsh Ministers may approve an annual plan without modifications or with modifications agreed with the National Adviser.
- (5) Before 30 September in each financial year the National Adviser must send a report to the Welsh Ministers about the exercise of his or her functions during the previous financial year.
- (6) An annual report must include—
- (a) an assessment of the extent to which the National Adviser's objectives and priorities for the financial year covered by the report have been met;
  - (b) a statement of the matters on which the National Adviser has reported under section 21(1)(e) during that year;
  - (c) a statement of the other activities the National Adviser has undertaken during that year in the exercise of the National Adviser's functions.

### **23 Publication of reports**

- (1) The Welsh Ministers must publish—
- (a) each annual plan and each annual report sent to them by the National Adviser, and
  - (b) each report sent to them by the National Adviser, if the report is mentioned in an approved annual plan.
- (2) The Welsh Ministers may publish a report sent to them by the National Adviser that is not mentioned in an approved annual plan.
- (3) Before publication of a plan or report, the Welsh Ministers may remove from it any material whose publication the Welsh Ministers think—
- (a) is undesirable for reasons of national security,
  - (b) might jeopardise an individual's safety, or
  - (c) might prejudice the investigation or prosecution of an offence.

#### *General*

### **24 Interpretation**

- (1) In this Act—

“abuse” (*“cam-drin”*) means physical, sexual, psychological, emotional or financial abuse;

“domestic abuse” (*“cam-drin domestig”*) means abuse where the victim of it is or has been associated with the abuser;

5 “financial year” (*“blwyddyn ariannol”*) means a period of 12 months ending on 31 March;

“gender-based violence” (*“trais ar sail rhywedd”*) means –

- (a) violence, threats of violence or harassment arising directly or indirectly from values, beliefs or customs relating to gender or sexual orientation;
- 10 (b) female genital mutilation;
- (c) forcing a person (whether by physical force or coercion by threats or other psychological means) to enter into a religious or civil ceremony of marriage (whether or not legally binding);

15 “local authority” (*“awdurdod lleol”*) means the council of a county or county borough in Wales;

“Local Health Board” (*“Bwrdd Iechyd Lleol”*) means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 (c.42);

“purpose of this Act” (*“diben y Ddeddf hon”*) means the purpose in section 1;

“relevant authority” (*“awdurdod perthnasol”*) has the meaning given by section 14;

20 “sexual violence” (*“trais rhywiol”*) means sexual exploitation, sexual harassment, or threats of violence of a sexual nature;

“statutory guidance” (*“canllawiau statudol”*) means guidance under section 15.

(2) A person is associated with another person for the purpose of the definition of “domestic abuse” in subsection (1) if –

- 25 (a) they are or have been married to each other;
- (b) they are or have been civil partners of each other;
- (c) they live or have lived together in an enduring family relationship (whether they are of different sexes or the same sex);
- 30 (d) they live or have lived in the same household; and for this purpose a person is a member of another person’s household if –
  - (i) the person normally lives with the other person as a member of his or her family, or
  - (ii) the person might reasonably be expected to live with that other person;
- (e) they are relatives;
- 35 (f) they have agreed to marry one another (whether or not that agreement has been terminated);
- (g) they have entered into a civil partnership agreement between them (whether or not that agreement has been terminated);
- (h) they have or have had an intimate personal relationship with each other;

(i) in relation to a child, each of them is a parent of the child or has, or has had, parental responsibility for the child.

(3) If a child has been adopted or falls within subsection (4), two persons are also associated with each other for the purposes of the definition of “domestic abuse” in subsection (1) if –

(a) one is a natural parent of the child or a parent of such a natural parent, and

(b) the other is –

(i) the child, or

(ii) a person who has become a parent of the child by virtue of an adoption order, who has applied for an adoption order or with whom the child has at any time been placed for adoption.

(4) A child falls within this subsection if –

(a) an adoption agency, within the meaning of section 2 of the Adoption and Children Act 2002 (c.38), is authorised to place the child for adoption under section 19 of that Act (placing children with parental consent) or the child has become the subject of an order under section 21 of that Act (placement orders), or

(b) the child is freed for adoption by virtue of an order made –

(i) in England and Wales, under section 18 of the Adoption Act 1976 (c.36), or

(ii) in Northern Ireland, under Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203), or

(c) the child is the subject of a Scottish permanence order which includes granting authority to adopt.

(5) In this section –

“adoption order” (*“gorchymyn mabwysiadu”*) means an adoption order within the meaning of section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002;

“child” (*“plentyyn”*) means a person under the age of 18 years;



“civil partnership agreement” (*“cytundeb partneriaeth sifil”*) has the meaning given by section 73 of the Civil Partnership Act 2004 (c.33);

“female genital mutilation” (*“anffurfio organau cenhedlu benywod”*) means an act that is an offence under sections 1, 2 or 3 of the Female Genital Mutilation Act 2003 (c.31);

“financial abuse” (*“cam-drin ariannol”*) means –

- (a) having money or other property stolen,
- (b) being defrauded,
- (c) being put under pressure in relation to money or other property, and
- (d) having money or other property misused;

“harassment” (*“aflonyddu”*) means a course of conduct by a person which he or she knows or ought to know amounts to harassment of the other; and for the purpose of this definition –

- (a) a person ought to know that his or her conduct amounts to or involves harassment if a reasonable person in possession of the same information would think the course of conduct amounted to or involved harassment of another person, and
- (b) “conduct” includes speech;

“sexual exploitation” (*“camfanteisio rhywiol”*) means something that is done to or in respect of a person which –

- (a) involves the commission of an offence under Part 1 of the Sexual Offences Act 2003 (c.42), as it has an effect in England and Wales, or
- (b) would involve the commission of such an offence if it were done in England and Wales;

“parental responsibility” (*“cyfrifoldeb rhiant”*) has the meaning given by section 3 of the Children Act 1989 (c.41);

“relative” (*“perthynas”*), in relation to a person, means that person’s parent, grandparent, child, grandchild, brother, half-brother, sister, half-sister, uncle, aunt, nephew, niece (including any person who is or has been in that relationship by virtue of a marriage or civil partnership or an enduring family relationship).

## 25 Commencement

(1) The following provisions come into force on the day this Act receives Royal Assent –

- section 1;
- section 24;
- this section;
- section 26.

(2) Section 10 and sections 14 to 21 come into force two months after the day on which this Act receives Royal Assent.

- (3) The remaining provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (4) An order under subsection (3) may –
  - (a) appoint different days for different purposes;
  - (b) include such transitory or transitional provision as the Welsh Ministers consider appropriate.

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**26 Short title**

The short title of this Act is the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.