

PETER GIBSON MP



HOUSE OF COMMONS

LONDON SW1A 0AA

July 2021

Dear Constituent

Thank you for your email about domestic abuse and time limits.

I recognise the clear and terrible effects of Domestic Abuse and I welcome the fact that the Government has committed unprecedented amounts of funding to supporting victims of domestic abuse and sexual violence during the pandemic and beyond.

Ministers have been very clear that all allegations must be investigated fully and pursued through the courts whenever possible.

On the specific point you raise regarding time limits for prosecution, in England and Wales there is no time limit for starting a prosecution for indictable offences, these are offences that can be tried in the Crown Court. However, a prosecution for a summary offence, those which can only be tried in a magistrates' court, must begin within six months of the day when the offence was committed, unless there is specific statutory provision for a different time limit.

I understand there are two opposing considerations to balance, on the one hand the need for justice to be done; and on the other hand, the right of suspects to finality and certainty.

As you may be aware, in 2020 the Ministry of Justice considered whether the six-month time limit should be extended as regards summary offences related to domestic abuse. At the time, Ministers concluded that extending the limit, or removing it completely, would be limited in its benefit, as common assault, the least serious of a range of offences against the person, covering acts such as a push or shove that does not lead to injury, is the only offence likely to be relevant in this context that is affected by the limit.

It is worth noting that the other assault offences are not summary offences and there is no time limit for prosecuting them. It is also the case that there is not a time limit for prosecuting the offence of controlling or coercive behaviour, which the Domestic Abuse Act extends to post-separation abuse. I had the privilege of serving on the committee of this vital bill, and I welcome its provisions.

Yours Sincerely
Peter Gibson

Member of Parliament for Darlington

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However, in recognition of the seriousness of the issue and the commitment of the Government in tackling domestic abuse, Ministers have agreed to look at this matter again. The Government has not ruled out an amendment to the Police, Crime, Sentencing and Courts Bill and has emphasised the importance of looking into this issue.

I hope this response reassures you that the Government is taking action to ensure justice is done in cases of Domestic Abuse.

Once again, thank you for taking the time to contact me and if I can ever be any further assistance to you then please do not hesitate to contact me again.

PETER GIBSON MP