



# Serious Crime Act 2015

## 2015 CHAPTER 9

### PART 5

#### PROTECTION OF CHILDREN AND OTHERS

##### *Domestic abuse*

#### **76 Controlling or coercive behaviour in an intimate or family relationship**

- (1) A person (A) commits an offence if—
- A repeatedly or continuously engages in behaviour towards another person (B) that is controlling or coercive,
  - at the time of the behaviour, A and B are personally connected,
  - the behaviour has a serious effect on B, and
  - A knows or ought to know that the behaviour will have a serious effect on B.
- (2) A and B are “personally connected” if—
- A is in an intimate personal relationship with B, or
  - A and B live together and—
    - they are members of the same family, or
    - they have previously been in an intimate personal relationship with each other.
- (3) But A does not commit an offence under this section if at the time of the behaviour in question—
- A has responsibility for B, for the purposes of Part 1 of the Children and Young Persons Act 1933 (see section 17 of that Act), and
  - B is under 16.
- (4) A's behaviour has a “serious effect” on B if—
- it causes B to fear, on at least two occasions, that violence will be used against B, or

*Status: Point in time view as at 29/12/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2015, Cross Heading: Domestic abuse. (See end of Document for details)*

- (b) it causes B serious alarm or distress which has a substantial adverse effect on B's usual day-to-day activities.
- (5) For the purposes of subsection (1)(d) A “ought to know” that which a reasonable person in possession of the same information would know.
- (6) For the purposes of subsection (2)(b)(i) A and B are members of the same family if—
  - (a) they are, or have been, married to each other;
  - (b) they are, or have been, civil partners of each other;
  - (c) they are relatives;
  - (d) they have agreed to marry one another (whether or not the agreement has been terminated);
  - (e) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
  - (f) they are both parents of the same child;
  - (g) they have, or have had, parental responsibility for the same child.
- (7) In subsection (6)—
  - “civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;
  - “child” means a person under the age of 18 years;
  - “parental responsibility” has the same meaning as in the Children Act 1989;
  - “relative” has the meaning given by section 63(1) of the Family Law Act 1996.
- (8) In proceedings for an offence under this section it is a defence for A to show that—
  - (a) in engaging in the behaviour in question, A believed that he or she was acting in B's best interests, and
  - (b) the behaviour was in all the circumstances reasonable.
- (9) A is to be taken to have shown the facts mentioned in subsection (8) if—
  - (a) sufficient evidence of the facts is adduced to raise an issue with respect to them, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (10) The defence in subsection (8) is not available to A in relation to behaviour that causes B to fear that violence will be used against B.
- (11) A person guilty of an offence under this section is liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both;
  - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine, or both.

**Commencement Information**

**II** S. 76 in force at 29.12.2015 by S.I. 2015/1976, reg. 2(a)

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## **77 Guidance about investigation of offences under section 76**

- (1) The Secretary of State may issue guidance about the investigation of offences under section 76 to whatever persons the Secretary of State considers appropriate.
- (2) The Secretary of State may revise any guidance issued under this section.
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.

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### **Commencement Information**

**I2** [S. 77](#) in force at 29.12.2015 by [S.I. 2015/1976](#), [reg. 2\(b\)](#)

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