



# 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) A repeatedly or continuously engages in behaviour towards another person (B) that is controlling or coercive,
  - (b) at the time of the behaviour, A and B are personally connected [<sup>F1</sup>(see subsection (6))],
  - (c) the behaviour has a serious effect on B, and
  - (d) A knows or ought to know that the behaviour will have a serious effect on B.

<sup>F2</sup>(2) .....

- (3) But A does not commit an offence under this section if at the time of the behaviour in question—
- (a) 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) B is under 16.
- (4) A's behaviour has a “serious effect” on B if—
- (a) it causes B to fear, on at least two occasions, that violence will be used against B, or
  - (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.

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*Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2015, Section 76. (See end of Document for details)*

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- [<sup>F3</sup>(6) A and B are “personally connected” if any of the following applies—
- (a) they are, or have been, married to each other;
  - (b) they are, or have been, civil partners of each other;
  - (c) they have agreed to marry one another (whether or not the agreement has been terminated);
  - (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
  - (e) they are, or have been, in an intimate personal relationship with each other;
  - (f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (6A));
  - (g) they are relatives.
- (6A) For the purposes of subsection (6)(f) a person has a parental relationship in relation to a child if—
- (a) the person is a parent of the child, or
  - (b) the person has parental responsibility for the child.]
- (7) In [<sup>F4</sup>subsections (6) and (6A)] —
- “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 [<sup>F5</sup>the general limit in a magistrates' court], or a fine, or both.

#### Textual Amendments

- F1** Words in s. 76(1)(b) inserted (5.4.2023) by [Domestic Abuse Act 2021 \(c. 17\), ss. 68\(2\), 90\(6\); S.I. 2023/406, reg. 2\(a\) \(with reg. 3\)](#)
- F2** S. 76(2) omitted (5.4.2023) by virtue of [Domestic Abuse Act 2021 \(c. 17\), ss. 68\(3\), 90\(6\); S.I. 2023/406, reg. 2\(a\) \(with reg. 3\)](#)

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**Changes to legislation:** There are currently no known outstanding effects for the Serious Crime Act 2015, Section 76. (See end of Document for details)

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- F3** S. 76(6)(6A) substituted for s. 76(6) (5.4.2023) by Domestic Abuse Act 2021 (c. 17), **ss. 68(4)**, 90(6); S.I. 2023/406, reg. 2(a) (with reg. 3)
- F4** Words in s. 76(7) substituted (5.4.2023) by Domestic Abuse Act 2021 (c. 17), **ss. 68(5)**, 90(6); S.I. 2023/406, reg. 2(a) (with reg. 3)
- F5** Words in s. 76(11)(b) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**

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**Commencement Information**

- I1** S. 76 in force at 29.12.2015 by S.I. 2015/1976, **reg. 2(a)**

**Changes to legislation:**

There are currently no known outstanding effects for the Serious Crime Act 2015, Section 76.