



Serious Crime Act 2015

2015 CHAPTER 9

PART 5

PROTECTION OF CHILDREN AND OTHERS

[^{F1}Strangulation or suffocation]

Textual Amendments

F1 Ss. 75A, 75B and cross-heading inserted (E.W.) (7.6.2022) by Domestic Abuse Act 2021 (c. 17), ss. 70(1), 90(6); S.I. 2022/553, regs. 1(2), 3(a)

75A Strangulation or suffocation

- (1) A person (“A”) commits an offence if—
 - (a) A intentionally strangles another person (“B”), or
 - (b) A does any other act to B that—
 - (i) affects B's ability to breathe, and
 - (ii) constitutes battery of B.
- (2) It is a defence to an offence under this section for A to show that B consented to the strangulation or other act.
- (3) But subsection (2) does not apply if—
 - (a) B suffers serious harm as a result of the strangulation or other act, and
 - (b) A either—
 - (i) intended to cause B serious harm, or
 - (ii) was reckless as to whether B would suffer serious harm.
- (4) A is to be taken to have shown the fact mentioned in subsection (2) if—
 - (a) sufficient evidence of the fact is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.

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

- (5) A person guilty of an offence under this section is liable—
- (a) on summary conviction—
 - (i) to imprisonment for a term not exceeding [^{F2}the general limit in a magistrates’ court] (or 6 months, if the offence was committed before [^{F3}2 May 2022]), or
 - (ii) to a fine,
 or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or both.
- (6) In this section “serious harm” means—
- (a) grievous bodily harm, within the meaning of section 18 of the Offences Against the Person Act 1861,
 - (b) wounding, within the meaning of that section, or
 - (c) actual bodily harm, within the meaning of section 47 of that Act.

Textual Amendments

- F2** Words in s. 75A(5)(a)(i) 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**
- F3** Words in s. 75A(5)(a)(i) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), **Sch. Pt. 1**

75B Offences under section 75A committed outside the United Kingdom

- (1) If—
- (a) a person does an act in a country outside the United Kingdom,
 - (b) the act, if done in England and Wales, would constitute an offence under section 75A, and
 - (c) the person is a United Kingdom national or is habitually resident in England and Wales,
- the person is guilty in England and Wales of that offence.
- (2) In this section—
- “country” includes territory;
 - “United Kingdom national” means an individual who is—
 - (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
 - (b) a person who under the British Nationality Act 1981 is a British subject, or
 - (c) a British protected person within the meaning of that Act.]

Changes to legislation:

There are currently no known outstanding effects for the Serious Crime Act 2015, Cross
Heading: Strangulation or suffocation.