



# Serious Crime Act 2015

## 2015 CHAPTER 9

### PART 5

#### PROTECTION OF CHILDREN AND OTHERS

##### *[<sup>F1</sup>Strangulation or suffocation*

##### **[<sup>F1</sup>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.
- (5) A person guilty of an offence under this section is liable—
  - (a) on summary conviction—
    - (i) to imprisonment for a term not exceeding [<sup>F2</sup>the general limit in a magistrates' court] (or 6 months, if the offence was committed before [<sup>F3</sup>2 May 2022]), or

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*Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2015, Section 75A. (See end of Document for details)*

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- (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**

- 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)**
- 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**

**Changes to legislation:**

There are currently no known outstanding effects for the Serious Crime Act 2015, Section 75A.