

SCHEDULES

SCHEDULE 2

Section 70

STRANGULATION OR SUFFOCATION: CONSEQUENTIAL AMENDMENTS

Police and Criminal Evidence Act 1984

- 1 In section 65A of the Police and Criminal Evidence Act 1984 (qualifying offences for the purposes of Part 5 of that Act), in subsection (2), after paragraph (r) insert—
- “(ra) an offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation).”

Housing Act 1985

- 2 In Schedule 2A to the Housing Act 1985 (absolute ground for possession for anti-social behaviour: serious offences), after paragraph 14 insert—
- “14A An offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation).”

Criminal Justice and Public Order Act 1994

- 3 In Part 1 of Schedule 7A to the Criminal Justice and Public Order Act 1994 (offences in England and Wales for which cross-border powers of arrest available), for paragraph 24 substitute—
- “24 An offence under either of the following provisions of the Serious Crime Act 2015—
- (a) section 45 (participating in activities of organised crime group);
- (b) section 75A (strangulation or suffocation).”

Crime and Disorder Act 1998

- 4 (1) Section 29 of the Crime and Disorder Act 1998 (racially or religiously aggravated assaults) is amended as follows.
- (2) In subsection (1), after paragraph (b) (but before the “or” following it) insert—
- “(ba) an offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation);”.
- (3) In subsection (2), for “or (b)” substitute “, (b) or (ba)”.

Youth Justice and Criminal Evidence Act 1999

- 5 (1) Schedule 1A to the Youth Justice and Criminal Evidence Act 1999 (proceedings in which witnesses are automatically eligible for assistance on grounds of fear or distress about testifying) is amended as follows.

Status: This is the original version (as it was originally enacted).

(2) After paragraph 29 insert—

“Serious Crime Act 2015

29A An offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation) in a case where it is alleged that—

- (a) the accused was carrying a firearm or knife at any time during the commission of the offence, and
- (b) a person other than the accused knew or believed at any time during the commission of the offence that the accused was carrying a firearm or knife.”

(3) In paragraph 30, after “paragraphs 1 to 8” insert “and 29A”.

Sexual Offences Act 2003

6 In Schedule 5 to the Sexual Offences Act 2003 (cases where sexual harm prevention orders may be made), after paragraph 63B insert—

“63C An offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation).”

Criminal Justice Act 2003

7 In Part 1 of Schedule 15 to the Criminal Justice Act 2003 (violent offences specified for purposes of certain custodial sentences), before paragraph 63G insert—

“63FA An offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation).”

Domestic Violence, Crime and Victims Act 2004

8 In section 6A of the Domestic Violence, Crime and Victims Act 2004 (evidence and procedure in cases of serious physical harm: England and Wales), in subsection (2), at the end insert—

“(c) an offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation).”

Children Act 2004

9 In section 58 of the Children Act 2004 (reasonable punishment: England), in subsection (2), after paragraph (c) insert—

“(d) an offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation).”

Criminal Justice and Immigration Act 2008

10 In section 98 of the Criminal Justice and Immigration Act 2008 (violent offender orders), in subsection (3), after paragraph (d) insert—

“(da) an offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation);”.

Modern Slavery Act 2015

- 11 In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence for slavery or trafficking victims under section 45 of that Act does not apply), after paragraph 35 insert—

“Serious Crime Act 2015

- 35A An offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation).”

Sentencing Act 2020

- 12 (1) The Sentencing Act 2020 is amended as follows.
- (2) In section 67 (assaults on emergency workers), in subsection (3), after paragraph (a) insert—
- “(aa) an offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation);”.
- (3) In Part 1 of Schedule 18 (violent offences for which extended sentence of imprisonment available), after paragraph 25 insert—

“Serious Crime Act 2015

- 25A An offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation).”