



# Domestic Abuse Act 2021

## 2021 CHAPTER 17

### PART 6

#### OFFENCES INVOLVING ABUSIVE OR VIOLENT BEHAVIOUR

##### *Offences against the person*

#### **70 Strangulation or suffocation**

- (1) In Part 5 of the Serious Crime Act 2015 (protection of children and others), after section 75 insert—

##### *“Strangulation or suffocation*

#### **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—

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*Changes to legislation: There are currently no known outstanding effects for the Domestic Abuse Act 2021, Section 70. (See end of Document for details)*

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- (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 12 months (or 6 months, if the offence was committed before the coming into force of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020), 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.

#### **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.”

- (2) Schedule 2 contains consequential amendments.

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#### **Commencement Information**

**II** S. 70 in force at 7.6.2022 by S.I. 2022/553, regs. 1(2), 3(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Domestic Abuse Act 2021, Section 70.