



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 [^{F1}(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.

^{F2}(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.

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

- [^{F3}(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 [^{F4}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 [^{F5}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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- 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

Commencement Information

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

[^{F6}76A Offences under section 76 committed outside the United Kingdom

(1) If—

- (a) a person's behaviour consists of or includes behaviour in a country outside the United Kingdom,
- (b) the behaviour would constitute an offence under section 76 if it occurred in England and Wales, 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.]

Textual Amendments

- F6** S. 76A inserted (29.6.2021) by Domestic Abuse Act 2021 (c. 17), s. 90(2), Sch. 3 para. 3

77 Guidance about investigation of offences under section 76

- (1) The Secretary of State may issue guidance about the investigation of offences under section 76 to whatever persons the Secretary of State considers appropriate.
- (2) The Secretary of State may revise any guidance issued under this section.
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.

Commencement Information

- I2** S. 77 in force at 29.12.2015 by S.I. 2015/1976, reg. 2(b)

Changes to legislation:

There are currently no known outstanding effects for the Serious Crime Act 2015, Cross
Heading: Domestic abuse.