

Crime Bulletin



April 2025 Edition



Case Law Update

Strangulation and Suffocation

The Domestic Abuse Act 2021 amended the Serious Crime Act 2015 by the addition of section 75A, and in doing so, introduced the offence of strangulation or suffocation.

Between June 2022 and June 2023, there were 1,437 prosecutions under the [statute](#).

Those working in criminal law are dealing with this offence on a regular basis.

A person ("A") commits an offence under s.75A 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.

It is clear from the wording of the statute that the elements of suffocation include a restriction on the victim's breathing. However, the statute does not make clear whether strangulation requires the same restriction or whether the act of placing one's hands (or other item) around another's neck and applying pressure is sufficient.

The two recent cases of *R v Hughes* [2024] EWCA Crim 593 and *R v Jones* [2025] EWCA Crim 195 provide clarity on this issue.

In *Hughes*, at paragraph 19, the Court highlights that whilst strangulation is by its very nature likely to cause difficulty breathing, it is not an element of the offence.

In *Jones*, at paragraph 6, the court observed that both strangulation and suffocation:

"relate to conduct which by its nature is likely to interfere, or which does in fact interfere, with the victim's

breathing or circulation of blood. In our view, strangulation refers to, or at least includes, compression of the victim's neck, whether by the pressure of a hand or a ligature around the neck, or by the pressure of a body part or an object across the neck. That of course is conduct which by its nature is likely to, and usually will, restrict the victim's ability to breathe. Suffocation, we think, refers to actual interference with the victim's ability to breathe by means other than compression of the neck."

Whilst strangulation will almost always result in a restriction on the victim's breathing, the case law makes clear that it is not an element of which the jury must be sure before they convict.

It was also confirmed in *Jones* that although there are two means of committing the offence, the statute has in fact created just one new offence. Therefore, even if the prosecution case is put on the basis of a strangulation, it is open to the jury to convict on the basis that the defendant has committed some other act which amounted to a battery and affected the victim's ability to breathe.

Other helpful resources:

- Criminal Bar Association lecture on non-fatal strangulation (12.07.2023)
- www.cps.gov.uk/legal-guidance/strangulation-and-suffocation
- Dr Cath White strangulation information videos

Criminal Law Developments

- *R v Rice* [2025] EWCA Crim 352 has provided guidance on a sentencing judge's discretion to apply a reduction of sentence where an offender had spent time on remand subject to a non-qualifying curfew bail condition.
- Justice Secretary Shabana Mahmood has announced a review of the Sentencing Council's role following controversy over its latest guidelines on the imposition of community and custodial sentences, which advised judges to seek additional information before sentencing offenders from certain minority groups. The guidelines were abandoned shortly before they were due to take effect on 1 April 2025.

Team Updates

- We are now 'Nine Chambers' and are located at Freetrade, 37 Peter Street.
- Keira Shaw and Pierce Power joined Nine as tenants in January 2025.
- Tobias Collins joined the CPS RASSO Panel at Level 2.
- Mark Monaghan and Adam White have been appointed to the specialist regulatory list.

Nine in the News

- [Jonathon Savage and Helen Longworth prosecute 266 million pound money laundering trial](#)
- [Robert Smith prosecutes Operation Album](#)
- [Geoff Whelan prosecutes a death by dangerous driving trial](#)