



SUSSEX POLICE

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Your Ref :

NO/DAW/DP

My Ref :

CID/PAM/LKS

Date :

18th March 1991

RECEIVED 21 MAR 1991

Dear Sir,

I acknowledge receipt of your letter of the 13th March 1991, addressed to the Chief Constable, which concerned a Boxing match held at the Brighton Conference Centre on Saturday 23rd February 1991.

The Chief Constable, Mr R BIRCH has asked that I continue correspondence with you in furtherance to our letter sent to you on the 4th March 1991.

In respect of the "headbutting" incident during this Boxing match, you will no doubt, now be aware that the Boxing Board of Control have imposed a penalty on Mr EUBANK that would exceed anything a Magistrates Court could impose. I note also, that you are not bringing to our attention this particular segment of the Boxing Match as being unlawful.

In your most recent letter, you contend that the Boxing match as a whole formed part of continual assaults on both Boxers.

I would draw to your attention the Attorney General's reference (No.6 of 1980)(1981) (73 Cr.App R63), the question for the court in such a case was "where two persons fight in a public place, can it be a defence for one of those persons to a charge of assault arising out of the fight, that the other consented to fight?". The court in answering this question, having considered the previous authorities held that it is not in the public interest that people should try to cause each other Actual Bodily Harm for no good reason. It is immaterial whether the act occurs in private or public. This ruling emphasises what you previously pointed out in your letter of the 25th February, but I would point out that the Attorney General's reference continued "the court emphasised that the declaration was not intended to cast any doubt upon the accepted legality of properly conducted games and sports". As a general rule, it is unlawful to strike a person with such a degree of violence that bodily harm is a probable consequence. There is however, the recognised exception to this general rule in that blows given in the course of a friendly athletic contest, provided all the rules of the sport are complied with, does not amount to a criminal assault.

..... cont

Mr D Webb
Honorary Director
N.C.R.D.P.A.
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There are recognised defences to assault, which includes, the consent of any injured party is a complete defence to the assault provided it does not involve an illegal purpose, eg. a prize fight, but that Boxing is legal if conducted under the appropriate rules and controls. The prosecution must prove the absence of consent as was made clear in Regina v DONOVAN (1934), All England law reports (207) and that consent must have been given freely by a rational and sober person knowing the nature of the act, which was highlighted in Regina v MAY (1912) (77JP 31).

I would reiterate the content of my previous letter, that in the absence of any complaint whatsoever from either party involved in the Boxing match, in view of the law that I have outlined above, and that there are other priorities for the deployment of Police resources, I do not intend to take any further action about the matter you have brought to our attention.

You are of course free to take your own legal advice and seek a private prosecution or if appropriate, take civil action relating to this matter.

I hope that I have fully outlined the position of the Sussex Police and that this will bring this matter to a conclusion.

Yours faithfully



R. J. HILLS
Detective Chief Superintendent