



NEW SCOTLAND YARD
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9 April 1991

Dear Mr. Webb,

I refer to your letters dated 15 February and 13 March 1991 which the Acting Commissioner has passed to me.

I have sought advice from both the Force Solicitors and the Crown Prosecution Service on the issue of whether assaults occurring during a boxing match constitute an offence at law and the general view is that any prosecution brought in such circumstances would be unlikely to succeed.

In the normal course of events, the consent of the victim to an assault which had been perpetrated upon him, would amount to a defence in law to any charge of assault. It is on the basis of this doctrine that the sort of injuries which are received in many contact sports are exempted from the criminal law. The defence of consent however does have certain parameters. In order to come within the defence of consent, the activity engaged in must be lawful. In addition to the test of legality, the Courts have created another test, namely whether the activity engaged in, is in the public interest. Thus blows given and received in lawful boxing contests do not fall within the ambit of the criminal law for both the above mentioned reasons.

It is, of course, not all blows given and received in sporting contests which will be exempt from the criminal law. If a contestant in any sporting event were to go outside the rules of that event and to deliberately inflict injury upon another participant, then he, the aggressor, would not be exempt from the criminal law. That situation is fully dealt with in the case of *R - v - Billingham - Newport Crown Court 1978*. Within the context of a boxing match, if one of the contestants were at the conclusion of the contest to quite deliberately set about his opponent, say with a ringside stool, then of course he would not be protected by the doctrine of consent.

On the basis that the blows which occurred in the cases you cite, took place within the normal parameters of the boxing match, there can in our view be no cause of action. The boxing matches were perfectly lawful sporting events and participants had, by necessary implication,

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consented to whatever injuries they might receive during the course of that contest. It may well be that NCROPA are really in effect saying that the boxing matches themselves were not in the public interest and that therefore the defence of consent does not arise. It is neither for the Crown Prosecution Service nor for the Police to make the decision as to whether or not boxing is in the public interest. That must be a matter for Parliament to decide. The comment you make about the recent case at the Central Criminal Court is of no relevance. That was a case in which severe blows were given and received by consenting adults, in the course of sexual gratification. Blows given in those circumstances have never been exempted from the criminal law and I would refer you to the case of R - v - Donovan (1934) 2KB p498. The recent case at the Central Criminal Court was in effect merely following old authority.

As indicated earlier, neither the CPS nor the Force Solicitor feel that there is any basis for a prosecution in respect of the boxing matches you refer to, a view that I share. It may be, however, that NCROPA wish to take out a private prosecution in respect of these matters, which of course is a matter entirely for them to decide.

Yours sincerely

R Hunt

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Assistant Commissioner
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