

COUNTDOWN ON SPANNER

c/o Central Station, 37 Wharfdale Road, London N1 9SE

10th June 1996

Dear Friend,

Law Commission Consultation Paper 139

As you know the Law Commission are asking for responses to their paper by the 30th June 1996.

Following the ICA Conference, we hope you will write to the Law Commission:-

i. to encourage them not to withdraw their proposals that the law on assault should recognise the validity of consent in SM sex

and

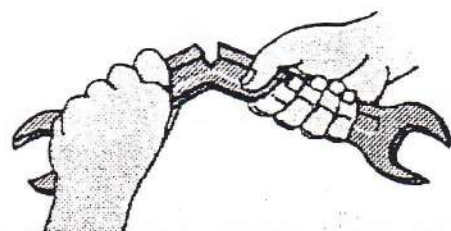
ii. to respond to the specific provisional proposals as listed in part 16 of the document.

General issues you might like to comment on include:

1. the importance of changing the law to recognise the validity of SM sex
2. The positive nature of SM sexuality
3. The widespread prevalence of at least mild SM activities in heterosexual, bisexual and homosexual behaviour.
4. whether the use of the word "victim" is correct in consensual adult sexual relationships
5. the impact of the current law on health education

Specific Commission proposals:

6. Whether the definition of "Serious Injury" that cannot be consented to, is reasonable. (Proposal 7)
7. Whether there are dangers in the use of ambiguous phrases which may describe acts or injuries which the participants may desire but a Court may find unacceptable eg "disfigurement", "pain" etc



SM: LEGALITY. VALIDITY. EQUALITY

8. The Commission also ask for comments on how to limit a defence based on a mistaken perception of consent (Proposal 9) and who should have the burden of proof, presumably when there is a subsequent dispute between the parties (Proposal 11)

9. One respondent has also expressed concern that Proposal 17, referring to incapacity on mental health grounds, could be used to nullify consent in a malicious prosecution.

Please do take the time to write to the Commission, even if you think their proposals are completely acceptable. There is a risk that this second paper may provoke a backlash that will pressurise the Commissioners to put forward a far more conservative document as their final recommendation.

A summary of the Law Commission document and a detailed list of their provisional proposals can be obtained by telephoning 0181 968 9015.

We would be very happy to have a copy of your submission to the Commission for use by researchers etc. This can be provided anonymously.

Yours sincerely



Rob Grover, for Countdown on Spanner