



2022 CHAPTER 19

PART 3

Protection from harm

CHAPTER 2

Causing or risking serious harm

Consent to harm for sexual gratification is no defence

27.—(1) For the purpose of determining whether a person (A) who inflicts serious harm on another person (B) is guilty of a relevant offence, it is not a defence that B consented to the infliction of the serious harm for the purpose of obtaining sexual gratification.

(2) The reference in subsection (1) to obtaining sexual gratification is to obtaining it for any person (whether for A, B or some other person).

(3) In this section—

“the 1861 Act” is the Offences Against the Person Act 1861,

“relevant offence” means any of these—

- (a) an offence under section 18 of the 1861 Act,
- (b) an offence under section 20 of the 1861 Act,
- (c) an offence (but not common assault) under section 47 of the 1861 Act,

“serious harm” means any of these—

- (a) wounding within the meaning of section 18 of the 1861 Act,
- (b) grievous bodily harm within the meaning of section 18 of the 1861 Act,
- (c) actual bodily harm within the meaning of section 47 of the 1861 Act.

(4) However, this section does not apply in the case of an offence under section 20 or 47 of the 1861 Act where—

- (a) the serious harm consists of, or is a result of, the infection of B with a sexually transmitted infection in the course of sexual activity, and
- (b) B consented to the sexual activity in the knowledge or belief that A had the sexually transmitted infection.

(5) Nothing in this section affects the operation of any rule of law, or any statutory provision (as defined by section 1(f) of the Interpretation Act (Northern Ireland) 1954), relating to other circumstances in which a person's consent to the infliction of serious harm may, or may not, be a defence to a relevant offence.