



A CRITICAL EVALUATION OF THE PRINCIPLE OF LAWFUL CONSENT'S APPLICATION IN BOXING



As with any other contact sport, boxing has its own rules and both 'contact' and 'injury' are consensual (Anderson, 2013). However, anything outside of those rules could be looked upon as going beyond what was consented to, including where one boxer attacks another after the bell signalling the end of a round (James, 2013). This understanding is supported analogously by the Canadian court's decision in *Pallante v. Stadiums Pty Ltd (no 1)* [1976] VR 33 where it was found that if a fight changes from a skill test to opponents intending to injure one another, then the match will be considered unlawful.



Nonetheless, boxing is considered to be somewhat distinct from many other contact sports. To illustrate, whilst the physical contact in rugby is not suppose to injure any of the players, boxers aim to incapacitate one another (James, 2013). Therefore, it is arguably little wonder that the British Boxing Board of Control (BBBC) has previously informed the Law Commission of England and Wales that “[n]obody can take part who is not licensed, and all who wish to box are warned of the risks . . . and are given thorough medical examination and tests” (Law Commission, 1995, paragraph 12.34).

The BBBC also stated that “[t]here are at least two medical officers present at each promotion . . . There is a referee . . . who has had considerable training to enable him to identify [when] to stop a contest to avoid injury. There is also an ambulance present at each promotion” (Law Commission, 1995, paragraph 12.34). In addition, the BBBC also informed the Law Commission at this time that it was its belief that the main aim of the sport of boxing was to actually score points to win a match, rather than causing an opponent an injury (Law Commission, 1995). Nevertheless, it was still ultimately conceded by the Board that an opponent that is ‘knocked out’ clearly cannot win the match themselves and that most fighters seek to achieve this (Law Commission, 1995).



However, it is arguably the ignorance of known safety risks from event organisers that has proved particularly important in this regard in boxing, particularly due to the Court of Appeal's decision in *Watson v. British Boxing Board of Control* [2001] QB 1134. In brief, the case involved the British middleweight boxer Michael Watson who fought his compatriot Chris Eubank in 1991 for the World Boxing Organization Super-Middleweight Title. Eubank knocked Watson out before it then took a full 7 minutes for the doctors to get to Watson when it turned out that not only was a third doctor required but also an ambulance. Matters were then only made worse when Watson received no oxygen and was also originally sent to a hospital that did not have its own neurosurgery unit. Consequently, Watson was left in a coma for 40 days before then spending a further 6 years in a wheelchair when he claim for compensation from the BBBC for breaching the duty of care that they owed to him and Watson was ultimately awarded £1 million in compensation (later reduced to £400,000) that was upheld by the Court of Appeal by failing to properly and immediately give him the treatment he required.