

23 Budgen Drive
Redhill Surrey
RH1 2Qb
3rd November 2004

To: Nigel Cawthorne
C/o Piatkus
5 Windmill Street
London W1T 2JA

Sir,

YOUR BOOK: "STRANGE LAWS OF OLD ENGLAND"

Thank you for writing such a fascinating book. It did, however, contain an error. You wrongly state that heterosexual buggery is illegal. It is not !

Enclosed is a note from Halsbury's Laws of England, explaining the relevant amendments to the Sexual Offences Act. The heterosexual buggery one was in 1994, introduced by Edwina Curry.

Yours for accuracy, even for buggers,

E Goodman.

505 Buggery

TEXT AND NOTES—Where non-consensual anal intercourse is alleged, a charge of rape ought to be brought, together with an alternative charge of buggery: *R v Davies* [1998] 1 Cr App Rep (S) 380, CA. See also the definition of ‘rape’ in the Sexual Offences Act 1956 s 1, para 514 post.

TEXT AND NOTE 3—It is now an offence for a person to commit buggery with another person otherwise than in the circumstances described in the Sexual Offences Act 1956 s 12(1A) or (1AA); s 12(1) (amended by the Criminal Justice and Public Order Act 1994 s 143(2); and the Sexual Offences (Amendment) Act 2000 s 2(1)(a)). Those circumstances first are that the act of buggery takes place in private and both parties have attained the age of 16: Sexual Offences Act 1956 s 12(1A) (added by the Criminal Justice and Public Order Act 1994 s 143(3); and amended by the Sexual Offences (Amendment) Act 2000 ss 1(1)(a), 2(1)(b)). The other circumstances are that the person is under the age of 16 and the other person has attained that age: Sexual Offences Act 1956 s 12(1AA) (added by the Sexual Offences (Amendment) Act 2000 s 12(1)(c)). An act of buggery by one man with another must not be treated as taking place in private if it takes place (1) when more than two persons take part or are present; or (2) in a lavatory to which the public have or are permitted to have access, whether on payment or otherwise: Sexual Offences Act 1956 s 12(1B) (added by the Criminal Justice and Public Order Act 1994 s 143(3)). In any proceedings against a person for buggery with another person it is for the prosecutor to prove that the act of buggery took place otherwise than in private or that one of the parties to it had not attained the age of 16: s 12(1C) (added by the Criminal Justice and Public Order Act 1994 s 143(3); and amended by the Sexual Offences (Amendment) Act 2000 s 1(1)(a)).

TEXT AND NOTE 4—For ‘21 years’ read ‘16 years’: Sexual Offences Act 1967 s 1 (amended by the Sexual Offences (Amendment) Act 2000 s 1(2)(a)).

NOTE 5—For the purposes of a claim under the Criminal Injuries Compensation Scheme, an act of buggery on a person under the legal age of consent is not necessarily a crime of violence against