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**SIMPLIFICATION OF CRIMINAL LAW: PUBLIC NUISANCE AND
OUTRAGING PUBLIC DECENCY**

I enclose Consultation Paper No 193 concerning the offences of public nuisance and outraging public decency.

Briefly, it provisionally proposes that:

1. the fault element of the two offences should be revised, so that intention or recklessness is required;
2. the two offences should be restated in statutory form;
3. the common law offence of conspiracy to outrage public decency should be abolished.

In the case of public nuisance we believe that this reform will mostly confirm the prevailing practice, which is to reserve the common law offence for serious and wilful misbehaviour. The existing practice is described in paragraphs 2.46 to 2.51 of the paper, and some alternative procedures are discussed in paragraphs 2.52 to 2.60. In the case of outraging public decency, the reform should lead to a small reduction in the number of prosecutions.

We would be grateful for any observations you have on our provisional proposals and the arguments in the paper. Two questions of particular interest are how far our account of the existing practice and range of procedures coincides with your own experience, and whether you agree with the impact assessment in Appendix A.