

Justice Committee

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Written submission from M. Hadfield

While supporting the general intention of the Bill, I am concerned that, as with much legislation, there will be unintended consequences, namely restriction of free speech and freedom of religion..

I am generally supportive of the comments by CARE for Scotland.

The Scottish Government Website,
<http://www.scotland.gov.uk/Topics/Justice/law/sectarianism-action-1/football-violence/bill>, states that :-

The offence (of Threatening Communications) will **NOT**:

- Stop peaceful preaching or proselytising.
- Restrict freedom of speech including the right to criticise or comment on religion or non-religious beliefs, even in harsh terms.
- Criminalise jokes and satire about religion or non-religious belief.

However I think that the Bill will in fact have these effects.

The Bill could usefully be amended to include such activities as defences both for the offence of Threatening Communication and the offence of Offensive Behaviour.

Finally it seems to me that anyone that gave a Koran or communicated certain sections from it could be guilty of an offence under 5(1), by Condition A, because in places it calls for violence against non Muslims. I presume that would be an unintended consequence of the Bill.

M. Hadfield
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