

Miners' Strike (Pardons) (Scotland) Bill

[AS PASSED]

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Amendments to the Bill since the previous version are indicated by sidelining in the right margin. Wherever possible, provisions that were in the Bill as introduced retain the original numbering.

Miners' Strike (Pardons) (Scotland) Bill

[AS PASSED]

An Act of the Scottish Parliament to pardon certain individuals convicted of certain offences committed during the 1984-85 miners' strike.

1 Pardons for certain individuals convicted of certain offences committed during miners' strike

- 5 (1) A qualifying individual who has been convicted of an offence listed in section 2 is pardoned for the offence if the conduct constituting the offence—
- (a) occurred during the period beginning with 12 March 1984 and ending with 3 March 1985, and
 - (c) in relation to—
 - 10 (i) an offence listed in section 2(a) to (c), meets condition A or condition B, or
 - (ii) the offence of theft, meets condition C.
- (4) Condition A is that the conduct—
- 15 (a) occurred while the individual was engaged or participating in—
 - (i) activity (whether or not organised) supporting or opposing the miners' strike, or
 - (ii) activity ancillary to such activity (for example, assembling before or after or travelling to or from such activity), and
 - (b) did not occur for a reason unrelated to the miners' strike (for example, a disagreement about a personal matter).
- 20 (5) Condition B is that the conduct—
- (a) occurred in response to conduct that meets condition A, and
 - (b) did not occur for a reason unrelated to the miners' strike.
- 25 (6) Condition C is that the conduct occurred because of economic hardship arising from participation (whether by the individual or another person) in the miners' strike.

1A Pardons: qualifying individuals

In section 1, "qualifying individual" means an individual, including a deceased individual, who—

- (a) was a miner, or
- 5 (b) was, at the time of the commission of the offence, a member of the same household as a miner, or
- (c) was, at the time of the commission of the offence—
 - (i) a parent of a miner,
 - (ii) a child of a miner, or
 - 10 (iii) a sibling of a miner.

2 Pardons: offences

The offences referred to in section 1 are—

- (a) breach of the peace,
- 15 (b) an offence under section 3 of the Bail etc. (Scotland) Act 1980 (breach of bail conditions),
- (c) an offence under section 41(1)(a) of the Police (Scotland) Act 1967 (obstructing police etc.),
- (d) theft.

3 Pardons: supplementary

Section 1 does not—

- 20 (a) affect any conviction or sentence,
- (b) give rise to any right, entitlement or liability, or
- (c) affect the Royal prerogative of mercy.

4 Interpretation

In this Act—

“conviction” includes any finding in criminal proceedings that a person has committed an offence or done the act or made the omission charged (including a finding linked with mental disorder or in respect of which an admonition or absolute discharge is made), and “convicted” is to be construed accordingly,

30 “household” means a group of people living together as a family or other unit (whether or not related) in a private dwelling, who—

- (a) have the dwelling as their only or main residence, and
- (b) share living accommodation and cooking facilities,

35 “miner” means an individual who at any time during the period beginning with 12 March 1984 and ending with 3 March 1985 was employed in any part of Great Britain—

- (a) by the National Coal Board established under section 1 of the Coal Industry Nationalisation Act 1946, or

(b) by a person holding a licence granted under section 36(2)(a) of that Act,
“miners’ strike” means the national concerted stoppage of work by miners led by
the National Union of Mineworkers,
“sibling of a miner” means an individual who has at least one parent in common
with a miner.

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5 Commencement

This Act comes into force on the day after Royal Assent.

6 Short title

The short title of this Act is the Miners’ Strike (Pardons) (Scotland) Act 2022.

Miners' Strike (Pardons) (Scotland) Bill

[AS PASSED]

An Act of the Scottish Parliament to pardon certain individuals convicted of certain offences committed during the 1984-85 miners' strike.

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