

Consultation on a proposed Witchcraft Convictions (Pardons) (Scotland) Bill

A proposal for a bill to pardon all those convicted under the Witchcraft Act 1563.

Consultation by
Natalie Don MSP
Member for Renfrewshire North and West
23 June 2022

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Foreword



To build the fairer, more equal, and forward-thinking Scotland that we all want to see, we must address the historic abuses of our past.

Under the Witchcraft Act 1563, an estimated 3,837 people were accused of witchcraft in Scotland, with approximately 2,500 executed between 1563 and 1736.¹ Those accused of witchcraft were often tortured to obtain a confession. These inhumane methods included sleep deprivation, pricking of the skin and searching the body for a “witches mark.”² Once found guilty, or forced to confess, the method of execution was often by way of strangulation and then burning at the stake.³

It is widely accepted that such allegations and subsequent convictions were wrong. Those convicted and executed as witches suffered a terrible miscarriage of justice; innocent, vulnerable people caught up in a time where allegations of witchcraft were widespread and deadly. History should properly reflect this.

My proposed Member’s Bill would give Scotland the chance to revisit these injustices and pardon all those convicted under the Witchcraft Act 1563.

The symbolic nature of a formal pardon could have far-reaching impacts. Misogyny remains an issue worldwide in modern society and the prejudices that led to the execution of those accused of witchcraft still exist today. At the time of the Witchcraft Act 1563, women in Scotland were seen to be weak, inferior beings who were more

¹ <https://www.witchesofscotland.com/about> Last accessed 9th June 2022

² Witchcraft in Scotland, Edited by Levack, B P, p. 144

³ <https://www.witchesofscotland.com/> Last accessed 9th June 2022

susceptible to the Devil's charms, leading to the high number of women accused of witchcraft. Research suggests that once the church gave credit to this theory, the hysteria around witchcraft greatly increased.⁴ Of those who were accused in Scotland, 84% were women, demonstrating that this was very much a gendered issue.⁵

In modern Scotland, while women are no longer persecuted as "witches", I believe many still feel the brunt of men's anger, including women who may seem unconventional, those who are poor, those who are outspoken or those in positions of power. A pardon for those convicted as witches could help to highlight that these attitudes which have manifested over time were wrong then and are still wrong today.

Witch-hunts and executions still take place in countries across the world today. I believe that my proposed Member's Bill, if passed, could send a strong global message that these practices are not acceptable and could help make Scotland a world leader at recognising the injustices of our past.

I believe that those convicted should no longer be recorded in history as criminals and that a legislative pardon would recognise convicted "witches" as victims of a miscarriage of justice. Thank you for taking the time to engage with my proposal and I very much welcome your response to the consultation.



Natalie Don MSP
23 June 2022

⁴ Davies, Norman: A History of Europe p. 437

⁵ <https://www.witchesofscotland.com/> Last accessed 9th June 2022

How the Consultation Process works

This consultation relates to a draft proposal I have lodged as the first stage in the process of introducing a Member's Bill in the Scottish Parliament. The process is governed by Chapter 9, Rule 9.14, of the Parliament's Standing Orders which can be found on the Parliament's website at:

<https://www.parliament.scot/about/how-parliament-works/parliament-rules-and-guidance/standing-orders/chapter-9-public-bill-procedures>

At the end of the consultation period, all the responses will be analysed. I then expect to lodge a final proposal in the Parliament along with a summary of those responses. If that final proposal secures the support of at least 18 other MSPs from at least half of the political parties or groups represented in the Parliamentary Bureau, and the Scottish Government does not indicate that it intends to legislate in the area in question, I will then have the right to introduce a Member's Bill. A number of months may be required to finalise the Bill and related documentation. Once introduced, a Member's Bill follows a 3-stage scrutiny process, during which it may be amended or rejected outright. If it is passed at the end of the process, it becomes an Act.

At this stage, therefore, there is no Bill, only a draft proposal for the legislation.

The purpose of this consultation is to provide a range of views on the subject matter of the proposed Bill, highlighting potential problems, suggesting improvements, and generally refining and developing the policy. Consultation, when done well, can play an important part in ensuring that legislation is fit for purpose.

The consultation process is being supported by the Scottish Parliament's Non-Government Bills Unit (NGBU) and will therefore comply with the Unit's good practice criteria. NGBU will also analyse and provide an impartial summary of the responses received.

Details on how to respond to this consultation are provided at the end of the document.

Additional copies of this paper can be requested by contacting me at Natalie Don MSP, 1A Paisley Road, Renfrew, PA4 8JH. My office can also be contacted by telephone on (0141) 587 5049 or by email at: natalie.don.msp@parliament.scot.

Enquiries about obtaining the consultation document in any language other than English or in alternative formats should also be sent to me.

An on-line copy is available on the Scottish Parliament's website (www.parliament.scot) under Parliamentary Business / Bills / Proposals for Members' Bills.

Aim of the proposed Bill

Background

The historical context

Between the 15th and 18th centuries, witch-hunts swept across much of Europe. Historians have explored many different explanations for the heightened hysteria and fear of witchcraft during this period. Religion, politics, social unrest and a growing fear of the Devil are all attributed as possible reasons for the arousing suspicion of “witches” during this time.⁶ It is estimated that across America and Europe, between 40,000 and 50,000 people were executed for witchcraft.⁷ Figures from Scotland are among the highest in Europe, with an estimated 3,837 people accused between 1563 and 1736. It is estimated that approximately 2,500 of those accused were executed.⁸

Witchcraft was assumed to be linked to the Devil and through a combination of different writings, fears grew that that this perceived threat to Christianity was increasing. In 1490, a tract written by two German monks, *Malleus Maleficarum*, linked elements of folk belief with a conspiracy to overthrow the Church of Rome. In Scotland, the ideology of the *Malleus* encouraged ideas that Roman Catholics were guilty of using witchcraft to threaten the Reformed Church, with so-called “witches” seen as enemies of the church, state and people.⁹

Although men were also accused, women were disproportionately impacted by the witch-hunts in Scotland. Writings, including the *Malleus*, only served to enshrine this prejudice, with it used as evidence in the courtrooms at the time of the trials under the 1563 Act, and classed by Gerhild Scholz Williams as the “turning point in the overwhelming gendering of the witch phenomenon.”¹⁰ In these writings, women were specifically accused of being more likely to be tempted by evil. Statements such as, “why is it that women are chiefly addicted to evil superstitions,” and “when a woman thinks alone, she thinks evil,” leave no doubt over the prevailing attitude towards women at the time.¹¹ The *Malleus* also criticises notable women throughout history, such as Helen of Troy, depicting them as “temptresses” and “co-operators with the Devil”. While the writings do touch on the strength of women at some points, it is always attributed to

⁶ Davies, Norman: A History of Europe p. 437

⁷ Davies, Norman: A History of Europe p.437

⁸ A Survey of Scottish Witchcraft <https://www.shca.ed.ac.uk/Research/witches/introduction.html> Last accessed 9th June 2022

⁹National Museums Scotland <https://www.nms.ac.uk/explore-our-collections/stories/scottish-history-and-archaeology/witchs-iron-collar/> Last accessed 9th June 2021

¹⁰ Scholz Williams, G: Defining Dominion: The Discourses of Magic and Witchcraft in Early Modern France and Germany. p. 8

¹¹ Malleus Maleficarum (14870 Part 1 Question VI, Concerning Witches who copulate with Devils. Available at <https://www.sacred-texts.com/pag/mm/index.htm> Last accessed 9th June 2021

corruption and emphasises the idea that strong women were, essentially, a product of evil.¹²

The writing of King James VI (1567-1625) fuelled both the hysteria around witchcraft and the fire of misogyny in Scotland.¹³ Women accused of witchcraft were described by him as “intrapped in these grosse snares of the Deuill”¹⁴ and “hure men and their gudes, or what they possesse, for satisfying their cruell minds”¹⁵. While James acknowledged that men could also be “witches”, he painted them in a very different tone to women. Male witches were described as: “desire of reuenge, or of worldly riches” – in other words men sought revenge or wealth, while women were fuelled by cruel minds and the Devil to inflict pain on men.¹⁶

The last witch-hunt in Scotland took place in Paisley in 1697, and, in 1736, the Witchcraft Act was repealed. However, there was no justice for the many women and men who lost their lives during these fateful years.¹⁷

Recent international examples of pardons for “witches”

The Salem Witch Trials (Massachusetts, USA) provide a well-known international historical comparison where pardons exonerating those convicted of witchcraft have been issued posthumously. Between 1692 and 1693, 19 people were executed and approximately 300 more were accused of witchcraft in the town. Until recently, all but one of the convicted men and women had been pardoned through various legislative routes. Following legislation passed on 26 May 2022 in Massachusetts, the final “witch” accused – Elizabeth Johnson Jr – was formally exonerated, 329 years after she was convicted.¹⁸

Another recent example lies in Catalonia, where, in January 2022, the regional parliament formally pardoned over 700 women executed for witchcraft between the 15th and 18th centuries.¹⁹ I believe that my proposed Bill gives Scotland the opportunity to take the same action and send the message that it is not acceptable for those convicted in Scotland to be recorded in history as criminals. These examples show that this issue has relevancy and is an injustice being examined across many of the countries affected by the hysteria of witch-hunts.

¹² Malleus Maleficarum (14870 Part 1 Question VI, Concerning Witches who copulate with Devils. Why is it that Women are chiefly addicted to Evil superstitions) – Available at <https://www.sacred-texts.com/pag/mm/index.htm> Last accessed 9th June 2022

¹³ Stuart, James. *Daemonology in Forme of a Dialogue*. Edinburgh, 1597. p. 44

¹⁴ Stuart, James. *Daemonology in Forme of a Dialogue*, Edinburgh 1597 p. 44

¹⁵ Stuart, James *Daemonology in Forme of a Dialogue*, Edinburgh 1597 p. 38

¹⁶ Stuart, James *Daemonology in Forme of a Dialogue*, Edinburgh 1597 p. 38

¹⁷ *The Scottish Witch-Hunt in Context*, Edited by Goodare, J, p. 166

¹⁸ <https://www.independent.co.uk/news/world/americas/salem-witch-trials-pardoned-b2088835.html> - Last accessed 9th June 2022

¹⁹ <https://www.euronews.com/2022/01/26/catalonia-s-parliament-pardons-hundreds-of-women-executed-for-witchcraft> - Last accessed 9th June 2022

The current Scottish legal and political context

Under the current legislative framework, one of the ways a pardon can be pursued is via the Scottish Criminal Cases Review Commission (SCCRC). To overturn a conviction through the SCCRC, a separate application has to be made for each individual known to have been convicted of a crime. However, under the Criminal Procedure (Scotland) Act 1995, where a person convicted is deceased, such applications can only be pursued by a living person with a “legitimate interest”,²⁰ which has been defined in an Opinion of the Court, delivered by Lord Conway, the Lord Justice Clerk in the Petition of the SCCRC, as: “an avenue whereby an executor, as of right, and others in a similar relationship with the deceased, can continue or institute appeal proceedings in his stead.”²¹ Therefore, as the executors of those convicted under the Witchcraft Act 1563 are deceased themselves, it is not possible to bring an SCCRC application to overturn these convictions and this is therefore not a feasible route for achieving these proposal’s aims.

Pardons can also be granted through the Royal Prerogative of Mercy, a power which can be exercised in Scotland by the First Minister on behalf of The Queen.²² However, for a pardon to be sought through the Royal Prerogative of Mercy, the First Minister would be required to make a recommendation for a pardon for each individual sentenced and convicted under the Witchcraft Act 1563, which would inadvertently exclude those whose sentences were not recorded and would be impractical to implement.

On International Women’s Day 2022, the First Minister, Nicola Sturgeon MSP, extended a “formal, posthumous apology to all those who were accused, convicted, vilified or executed under the Witchcraft Act 1563”,²³ which was a crucial step forward in the public acknowledgement of these atrocities. While the apology was welcome, those convicted still remain criminals in Scots law.

The Scottish Parliament’s Citizen Participation and Public Petitions Committee has also been considering a petition, lodged by head of the Witches of Scotland campaign, Claire Mitchell QC, on the topic of pardoning those convicted under the Witchcraft Act 1563.²⁴ In making her apology, the First Minister acknowledged the petition, stating:

²⁰ S303(4)(b) Criminal Procedure (Scotland) Act 1995

²¹ Opinion of the Court, delivered by Lord Conway, the Lord Justice Clerk in the Petition of The Scottish Criminal Cases Review Commission, against Dr Jim Swire and Rev John F Mosey, [2015] HCJAC 76

²² Oonagh Gay, Royal Prerogative of Mercy – a Question of Transparency, 25th June 2014: <https://commonslibrary.parliament.uk/royal-prerogative-of-mercy-a-question-of-transparency/> accessed 15th May 2022

²³ Scottish Parliament Official Report, 08 March 2022 col 13

²⁴ PE1855 <https://www.parliament.scot/get-involved/petitions/view-petitions/pe1855-pardon-and-memorialise-those-convicted-under-the-witchcraft-act-1563> (accessed 23 May 2022)

“The pardon that the petition calls for would require the Parliament to legislate and, in future, it may choose to do so.”²⁵

The petition also calls on the Scottish Government to create a national monument to memorialise those people in Scotland convicted as witches under the Witchcraft Act 1563²⁶. While Witches of Scotland progresses calls for a national memorial²⁷, this Member’s Bill proposal seeks to provide the legislative opportunity for a formal pardon for all those convicted. Both the First Minister’s apology and calls for a pardon have attracted significant media attention, demonstrating the public interest in this aspect of Scotland’s history²⁸²⁹³⁰.

There is recent precedent in Scotland for legislating to pardon those wrongfully convicted of a crime. The Historical Sexual Offences (Pardons and Disregards) (Scotland) Act 2018³¹ pardoned all those convicted of criminal offences for engaging in same-sex sexual activity when it was illegal to do so and enabled any person still living with a conviction to apply to have it disregarded. In addition, the Miners’ Strike (Pardons) (Scotland) Bill³², which was passed on 16 June 2022, provided a pardon for miners who were convicted of certain offences relating to the 1984-85 strike.

For the reasons outlined above, and given the recent precedent, I believe that legislation is the only viable way to ensure that everyone convicted under the Witchcraft Act 1563 is exonerated.

²⁵ Scottish Parliament Official Report, 08 March 2022 col 13

²⁶ Scottish Parliament Official Report, 08 March 2022 col 13

²⁷ <https://www.witchesofscotland.com/> Last accessed 9th June 2022

²⁸ <https://www.theguardian.com/uk-news/2022/mar/13/calls-scotland-pardon-witch-hunt-victims-gather-pace> (accessed 23rd May 2022)

²⁹ <https://www.independent.co.uk/news/uk/home-news/witchhunt-victims-scotland-nicole-sturgeon-b2034835.html> (accessed 23rd May 2022)

³⁰ <https://www.sundaypost.com/fp/witches-of-scotland/> Last accessed 9th June 2022

³¹ <https://www.legislation.gov.uk/asp/2018/14/contents/enacted> Last accessed 15th Jun 2022

³² <https://www.parliament.scot/bills-and-laws/bills/miners-strike-pardons-scotland-bill> Last accessed 15th Jun 2022

Detail of the proposed Bill

I believe that legislation is required to ensure that those who were convicted and executed under the Witchcraft Act 1563 are no longer recorded in history as criminals. This period represents a dark stain on Scottish history which I believe we must address. I am calling for views on whether this is something that members of the public and stakeholders would support in principle.

The proposed bill, if passed, would grant a pardon to those convicted under the Witchcraft Act 1563 until its abolition in 1736. The exact number of people who were convicted is unclear. An estimated 3,837 people were accused of witchcraft, however the true number is likely much higher and the records of those convicted, if any existed, may have been lost.³³ My proposal is therefore for a universal symbolic pardon that recognises all those convicted, even where records may be lost.

This proposal is for a piece of legislation with a similar purpose to other Acts that grant pardons and acknowledge that people convicted under certain legislation did not commit a criminal act. A comparable example would be the Miners' Strike (Pardons) (Scotland) Bill.

There is at present nothing in current legislation which recognises a pardon or acknowledges that those convicted as “witches” were not criminals, but victims of a miscarriage of justice.

The only direct implication the proposed bill would have would be pardoning those convicted under the Witchcraft Act 1563. However, I believe there would also be significant indirect benefits, as set out in the Equalities Implications and Sustainable Development sections of this document, should the proposed bill be passed.

This consultation will allow members of the public and stakeholders to give their views on the proposals and I welcome views on the aims of the proposed legislation.

Financial implications

I believe that any financial implications of this proposed bill would be minimal and could be subsumed into existing budgets.

³³ Goodare, J, Martin, L, Miller, J, and Yeoman, L, The Survey of Scottish Witchcraft, <http://www.shca.ed.ac.uk/witches/introduction.html> (archived January 2003, accessed 15th March 2022).

Equalities implications

Misogyny in society today

There is no denying that misogyny still exists in our society today. Although today women in Scotland may not be accused of participating in witchcraft, women who champion equality, put a career before family, a family before career or decide not to get married, for example, can still be looked on as strange or unusual. The attitude that “a woman’s role is in the home” is still prevalent in society and this line of thought has been passed down through many generations. The convictions of people for witchcraft only served to strengthen that stereotype as many women who acted differently to the traditional image of a woman were more often targeted.

The term “witch” is still used as a derogatory, insulting term today. It is also used as a more light-hearted point of reference, with depictions of women with broomsticks who cast spells common at Halloween. However, given the treatment, torture, criminalisation, potential rape and murder of women who were convicted of witchcraft, the seriousness of the historical context should not be lost behind the image of a witch that we are used to in the modern day.

By legislating for a pardon, I believe Scotland would take steps towards breaking down the misogynistic views that facilitated the majority of these atrocities while highlighting that women can still face discrimination in modern day Scotland. If we are to truly eradicate misogyny and sexism, I believe we have to revisit atrocities such as witch trials and take appropriate action to make clear that the attitudes and actions which negatively impacted women throughout history are no longer acceptable.

Therefore, the proposed bill, if passed, would have an indirect equalities impact on all of us – either by recognising that our ancestors did not commit the crimes they were convicted of under the Witchcraft Act 1563, or by challenging the misogynistic attitudes and negative stereotypes which allowed these accusations to flourish and which I believe are still ingrained in our society.

International impact

There are contemporary global examples of people being accused, convicted and executed for alleged witchcraft, and there are other drivers besides gender which fuel these accusations. Different belief systems, laws and cultures mean that people are targeted for different reasons. Historian Wolfgang Behringer has theorised that in the 20th century alone, there were more people executed for witchcraft than during the three centuries when witch-hunts were practiced across Europe, and there are examples of this happening across the world.³⁴

³⁴ Behringer, W: Witches and Witch Hunts: A Global History, p.9

In 2006, a Saudi Arabian woman, Fawza Falih, was convicted of practicing witchcraft and sentenced to death by beheading.³⁵ According to Amnesty International, in the Foni Kansala district in Gambia in 2009, the State abducted around 1,000 people, many of whom were tortured and charged with witchcraft.³⁶ Parts of Nigeria,³⁷ India³⁸ and Ghana have links with witchcraft convictions in the 21st century. In the Democratic Republic of the Congo, younger people are more likely to be associated with witchcraft, usually due to association with crime.³⁹ As recently as June 2022, a 75-year-old woman in the Indian state of Odisha was killed in a suspected “witchcraft murder”, in an area in which victims of such crimes are reported to usually be widows, older women or single women.⁴⁰

When considering the accusations of the past and the witchcraft trials which are still taking place today, there are a number of reasons one may be accused including age, disability, class, mental health, gender and, unfortunately, even something as simple as being a little bit different⁴¹. This proposed Member’s Bill, if passed, could send a strong equalities message across Scotland and the world that these practices were not acceptable in the past and are not acceptable now. This could help to inspire a change of attitudes in those countries where innocent and vulnerable people are still being persecuted as witches.

Sustainable Development

A crucial part of sustainability is ensuring that we live in a strong, healthy and just society. This includes ensuring that there are no barriers to women entering certain workplaces or professions. As has been demonstrated, the misogynistic ideology which fuelled witch trials is still prevalent in society today under different guises. For example, stereotypes continue to thrive affecting women’s uptake of roles which were not traditionally considered “jobs for women”⁴². While we have seen a societal shift in attitudes and more women are entering these professions, it cannot be ignored that misogynistic attitudes have served as a barrier for women.

³⁵ http://news.bbc.co.uk/1/hi/world/middle_east/7244579.stm (accessed 15th March 2022) and <https://www.hrw.org/news/2008/02/12/letter-hrh-king-abdullah-bin-abd-al-aziz-al-saud-witchcraft-case> (accessed 16th March 2022)

³⁶ https://www.washingtonpost.com/world/africa/gambias-dictator-ordered-a-witch-hunt-this-village-is-still-haunted-by-it/2018/05/27/bb8a4fc2-32a9-11e8-b6bd-0084a1666987_story.html (accessed 17th March 2022)

³⁷ <https://www.theguardian.com/world/2007/dec/09/tracymcveigh.theobserver> (accessed 17th March 2022)

³⁸ <https://www.reuters.com/article/us-religion-witchcraft-idUSTRE58M4Q820090923> (accessed 18th March)

³⁹ <https://www.dw.com/en/witch-hunts-a-global-problem-in-the-21st-century/a-54495289> (accessed 9th June 2022)

⁴⁰ <https://www.hindustantimes.com/cities/others/odisha-75-year-old-widow-battered-to-death-in-suspected-witchcraft-case-101655545712426.html> (accessed 20th June 2022)

⁴¹ <https://www.dw.com/en/witch-hunts-a-global-problem-in-the-21st-century/a-54495289> (accessed 23rd May 2022)

⁴²Jones, L, Global Institute for Women’s Leadership, Kings College London: Women’s Progression in the Workplace, Access: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840404/KCL_Main_Report.pdf

To achieve a Just Society, we must acknowledge and recognise that misogynistic views, including those that led to women being convicted under the Witchcraft Act, are completely wrong. By passing a bill to pardon all those convicted, the majority of whom were women, our Parliament would in turn recognise that the misogynistic views used to persecute women were injustices that should be recognised and left firmly in the past.

Looking at the international picture, this proposed bill could send a message across the world that witch trials are unacceptable and would highlight the need for a just global society.

Questions

About you

(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)

1. Are you responding as:
- an individual – in which case go to Q2A
 - on behalf of an organisation? – in which case go to Q2B

- 2A. Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose “Member of the public”.)
- Politician (MSP/MP/peer/MEP/Councillor)
 - Professional with experience in a relevant subject
 - Academic with expertise in a relevant subject
 - Member of the public

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation:

- 2B. Please select the category which best describes your organisation:
- Public sector body (Scottish/UK Government or agency, local authority, NDPB)
 - Commercial organisation (company, business)
 - Representative organisation (trade union, professional association)
 - Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)
 - Other (e.g. clubs, local groups, groups of individuals, etc.)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).

3. Please choose one of the following:
- I am content for this response to be published and attributed to me or my organisation

- I would like this response to be published anonymously
- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**

4. Please provide your Full Name or the name of your organisation. (Only give the name of your organisation if you are submitting a response on its behalf). **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”. Otherwise this is the name that will be published with your response).**

Name:

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. **(Note: We will not publish these contact details.)**

Contact details:

5. Data protection declaration

- I confirm that I have read and understood the privacy notice [Privacy Notice](#) to this consultation which explains how my personal data will be used.

If you are under 12 and making a submission, we will need to contact you to ask your parent or guardian to confirm to us that they are happy for you to send us your views.

- Please tick this box if you are under 12 years of age.

Your views on the proposal

Note: All answers to the questions in this section may be published (unless your response is “not for publication”).

Aim and approach

1. Which of the following best expresses your view of the proposed Bill? **(please note that this question is compulsory)**

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Do not wish to express a view

Please explain the reasons for your response.

2. Do you think legislation is required, or are there are other ways in which the proposed Bill's aims could be achieved more effectively? Please explain the reasons for your response.

Financial implications

3. Any new law can have a financial impact that would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?

- a significant increase in costs
- some increase in costs
- no overall change in costs
- some reduction in costs
- a significant reduction in costs
- unsure

Please explain the reasons for your answer.

Equalities

4. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation?

- Positive
- Slightly positive
- Neutral (neither positive nor negative)
- Slightly negative
- Negative
- Unsure

Please explain the reasons for your response including the impact on people with particular protected characteristics.

Sustainability

5. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations.

Do you think the proposal could impact in any of these areas?
(If you do not have a view then skip to next question.)

Please explain the reasons for your answer, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?

General

6. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

How to respond to this consultation

You are invited to respond to this consultation by answering the questions in the consultation and by adding any other comments that you consider appropriate.

Format of responses

You are encouraged to submit your response via an online survey (Smart Survey) if possible, as this is quicker and more efficient both for you and the Parliament. However, if you do not have online access, or prefer not to use Smart Survey, you may also respond by e-mail or in hard copy.

Online survey

To respond via online survey, please follow this link:

<https://www.smartsurvey.co.uk/s/WitchcraftPardons/>

The platform for the online survey is Smart Survey, a third party online survey system enabling the SPCB to collect responses to MSP consultations. Smart Survey is based in the UK and is subject to the requirements of the General Data Protection Regulation (GDPR) and any other applicable data protection legislation. Any information you send in response to this consultation (including personal data) will be seen by the MSP progressing the Bill and by staff in NGBU.

Further information on the handling of your data can be found in the Privacy Notice, which is available either via the Smart Survey link above or here: [Privacy Notice](#).

Smart Survey's privacy policy is available here:

<https://www.smartsurvey.co.uk/privacy-policy>

Electronic or hard copy submissions

Responses not made via Smart Survey should, if possible, be prepared electronically (preferably in MS Word). Please keep formatting of this document to a minimum. Please send the document by e-mail (as an attachment, rather than in the body of the e-mail) to:

natalie.don.msp@parliament.scot

Responses prepared in hard copy should either be scanned and sent as an attachment to the above e-mail address or sent by post to:

Natalie Don MSP
1A Paisley Road
Renfrew
PA4 8JH

Responses submitted by e-mail or hard copy may be entered into Smart Survey by my office or by NGBU.

If submitting a response by e-mail or hard copy, please include written confirmation that you have read and understood the Privacy Notice (set out below).

You may also contact my office by telephone on (0141) 587 5049.

Deadline for responses

All responses should be received no later than **Thursday 15 September**. Please let me know in advance of this deadline if you anticipate difficulties meeting it. Responses received after the consultation has closed will not be included in any summary of responses that is prepared.

How responses are handled

To help inform debate on the matters covered by this consultation and in the interests of openness, please be aware that I would normally expect to publish all responses received (other than “not for publication” responses) on my website: <https://www.nataliedon.scot/witchcraftpardonconsultation>

Published responses (other than anonymous responses) will include the name of the respondent, but other personal data sent with the response (including signatures, addresses and contact details) will not be published.

Where responses include content considered to be offensive, defamatory or irrelevant, my office may contact you to agree changes to the content, or may edit the content itself and publish a redacted version.

Copies of all responses will be provided to the Scottish Parliament’s Non-Government Bills Unit (NGBU), so it can prepare a summary that I may then lodge with a final proposal (the next stage in the process of securing the right to introduce a Member’s Bill). The [Privacy Notice](#) explains more about how the Parliament will handle your response.

If I lodge a final proposal, I will be obliged to provide copies of responses (other than “not for publication” responses) to the Scottish Parliament’s Information Centre (SPICe). SPICe may make responses available to MSPs or staff on request.

Requests for anonymity or for responses not to be published

If you wish your response to be treated as anonymous or “not for publication”, please indicate this clearly. The [Privacy Notice](#) explains how such responses will be handled.

Other exceptions to publication

Where a large number of submissions is received, particularly if they are in very similar terms, it may not be practical or appropriate to publish them all individually. One option may be to publish the text only once, together with a list of the names of those making that response.

There may also be legal reasons for not publishing some or all of a response – for example, if it contains irrelevant, offensive or defamatory content. If I think your response contains such content, it may be returned to you with an invitation to provide a justification for the content or to edit or remove it. Alternatively, I may publish it with the content edited or removed, or I may disregard the response and destroy it.

Data Protection

As an MSP, I must comply with the requirements of the General Data Protection Regulation (GDPR) and other data protection legislation which places certain obligations on me when I process personal data. As stated above, I will normally publish your response in full, together with your name, unless you request anonymity or ask for it not to be published. I will not publish your signature or personal contact information. The [Privacy Notice](#) sets out in more detail what this means.

I may also edit any part of your response which I think could identify a third party, unless that person has provided consent for me to publish it. If you wish me to publish information that could identify a third party, you should obtain that person’s consent in writing and include it with your submission.

If you consider that your response may raise any other issues under the GDPR or other data protection legislation and wish to discuss this further, please contact me before you submit your response. Further information about data protection can be found at: www.ico.gov.uk.

Freedom of Information (Scotland) Act 2002

As indicated above, NGBU may have access to information included in, or provided with, your response that I would not normally publish (such as confidential content, or your contact details). Any such information held by the Parliament is subject to the requirements of the FOISA. So if the information is requested by third parties the Scottish Parliament must consider the request and may have to provide the information unless the information falls within one of the exemptions set out in the Act. I cannot therefore guarantee that any such information you send me will not be made public should it be requested under FOISA.

Further information about Freedom of Information can be found at:

www.itspublicknowledge.info.