

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM SCOTT TUNSTALL

As a STEM degree-educated law abiding professional citizen who was born in Scotland and lived here all my life, I feel compelled to write to you regarding the Hate Crime And Order Bill in its current incarnation.

With regards to item 5:

(1) A person commits an offence if—

(a) the person has possession of threatening, abusive or insulting material with a view to communicating the material to another person, and

(b) either—

(i) the person intends, in doing so, to stir up hatred against a group of persons based on the group being defined by reference to race, colour, nationality (including citizenship), or ethnic or national origins, or

(ii) it is likely that, if the material were communicated, hatred would be stirred up against such a group.

What does "likely" in item 1(b)(ii) mean? Who judges "likely" ?

Let me cite two examples:

- If I have a collection of old videos with offensive jokes from the 80's, how are you to decide I am likely to communicate them? Will you make me go to court to prove I had no intention of communicating the material, costing me money and reputation? Does the police have the right to enter my house to take the "material" ?
- If I receive jokes in Facebook messenger, Whatsapp et al, how do I prove I'm not "likely" to disseminate them?

Furthermore, the "insulting" caveat seems to open a different can of worms entirely. As an atheist and believer in science, what safeguards are in place for the right of one to question any religion or pseudoscience? Surely you cannot put someone in the dock for stating publicly that they believe there is no God?

If I feel that the SNP are taking the Big Brother Thought Crime route, I will take my vote, and/or services and taxes, elsewhere.

Yours,

Scott Tunstall

Pro Scottish independence voter

Scott Tunstall
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