

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM DAVID SPEED

Herewith my comments under section 6 of the Call for comments.

I believe that this Bill is superfluous, as threatening and abusive behaviour is already covered by Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010. This 2010 Act is superior to the proposed Bill as it makes clear, in contrast to the proposal, that the offender must *intend* to cause fear or alarm. The vagueness of “abusive” also concerns me as it will lead to widely differing subjective interpretations.

I am a retired Church of Scotland minister and still occasionally conduct public worship services. Under your proposals if I were to preach the Biblical truths that Jesus Christ is the only Saviour, that homosexual behaviour is sinful, or that one’s biological gender is fixed at birth (as I have in the past), then under the terms of the Bill I could face prosecution for stirring up hatred on the whim of an individual who might be offended by my remarks. I am happy to allow anyone to disagree with me, but by the same token I must be allowed to disagree with other philosophies without fear of being accused of committing an offence. The Bill endangers the whole concept of free speech, for atheists as much as Christians. There is a risk that politically motivated complainants will categorise disagreement as hatred in order to silence their opponents.

Lord Bracadale’s Independent Review on Hate Crime Report stressed the need for a clear distinction between legitimate debate and rabble rousing. The Bill does not reflect this.

David Speed
09 July 2020