

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM THE WRITER'S UNION

The WGGB is concerned that the section on play performances could have adverse unintended consequences

PART 2 OFFENCES RELATING TO STIRRING UP HATRED Offences of stirring up hatred

4 Culpability where offence committed during public performance of play (1)
This section applies where— (a) an offence under section 3 is committed during a public performance of a play by a person who is a performer in the play, and (b) the commission of the offence—

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(i) involves consent or connivance on the part of a person who presents or directs the performance, or (ii) is attributable to neglect on the part of such a person. (2) The person mentioned in subsection (1)(b) (as well as the performer) commits the offence. 15

(3) For the purposes of this section, a person is to be taken to have directed a performance of a play given under the person's direction even if the person was not present during the performance. (4) In this section, "play" and "public performance" have the same meanings as in the Theatres Act 1968.

This seems to extend protection against hate speech from the on-line arena - where it is a big issue - to theatre - where it is not. Playwrights and theatre community should have artistic freedom and self regulation rather than heavy handed legislation.

Such legislation could encourage theatres and playwrights to self-censor and veer away from topics such as religion or sectarianism, especially in the current climate, economically challenging circumstances. it is crucial that sufficient safe guards are put in place to ensure that this does not curtail freedom of speech or expression.

The Writer's Union
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