

Equalities, Human Rights and Civil Justice Committee

4th Meeting, 2022 (Session 6), Tuesday 8 February 2022

Miners' Strike (Pardons) (Scotland) Bill

Note by the clerk

Introduction

1. [The Miners' Strike \(Pardons\) \(Scotland\) Bill](#) was introduced in the Parliament by the Cabinet Secretary for Justice and Veterans, Keith Brown MSP on 27 October 2021. The Parliament designated the Equalities, Human Rights and Civil Justice Committee as the lead committee for Stage 1 consideration of the Bill.
2. The Bill and accompanying documents can be accessed [here](#).
3. The purpose of the Bill is to provide an automatic pardon for miners convicted of offences listed in section 2 of the Bill subject to certain conditions being met. The conduct must have occurred between 12 March 1984 and 3 March 1985. The offence must also have been committed while the miner was taking part in a picket line, demonstration or similar gathering in support of the strike or while travelling to or from a picket line, demonstration or similar gathering. If the Bill is enacted a pardon will apply automatically without an application needing to be made.
4. According to the Scottish Government's [policy memorandum](#) which accompanies the Bill, the pardon is intended to be symbolic and collective and "to present an opportunity to bring reconciliation between those who were upholding the law in circumstances which they had never encountered before - and those who were fighting to protect their jobs, their ways of life, and their communities".
5. It states that the Scottish Government has recognised that many miners suffered disproportionate consequences for taking part in the strike and the pardon is intended to remove the stigma of any associated convictions.

Background

6. The miners' strike ("the strike") was a bitterly fought industrial dispute which lasted from 12 March 1984 to 3 March 1985. In the years that followed the strike there were questions raised about whether the strike was policed in a fair way and whether the justice system treated miners fairly as well as the way in which

certain miners who were arrested were dismissed from their jobs. There were also claims of political interference in the policing of the strike.

7. In 2018, the Scottish Government launched an independent review of the policing of the strike. The review specifically looked at the impact the policing had had on communities. The Independent Review's [final report](#) was published in 2020 and recommended that the Scottish Government introduce a pardon by an Act of Parliament for men convicted of certain offences related to the strike.
8. The criteria for a pardon suggested by the Independent Review were as follows:
 - No previous convictions;
 - No subsequent convictions;
 - Convicted for breach of the peace or breach of bail;
 - Case disposed of by way of a fine.
9. The Bill largely follows the recommendation of the Independent Review albeit with some changes to the qualifying criteria for the pardon.

Approach to Stage 1 consideration

10. The Committee began taking Stage 1 oral evidence on the Bill at its meeting on 23 November 2021. This session will conclude the Committee's evidence taking on the Bill.

Oral evidence

11. The Committee began taking evidence on 23 November 2021 when it heard in private from the officials of the Scottish Government Bill Team.
12. At its meeting on [11 January 2022](#), the Committee took evidence from Nicky Wilson, President, National Union of Mineworkers in Scotland; Robert Young, Board Member, The Coalfields Regeneration Trust; Alex Bennett, former Miner and Professor Jim Phillips, Professor of Economic and Social History, University of Glasgow and then from Jim McBrierty, Past President, Retired Police Officers Association Scotland and Tom Wood, Former Deputy Chief Constable, Lothian and Borders Police.
13. On 1 February 2022, the Committee held an informal engagement session with miners and their families to hear first-hand about the impact the strike had on their communities and their views on the provisions of the Bill. Notes from the informal session will be published on the Committee's webpages in due course.
14. At its meeting on 8 February 2022, the Committee will conclude taking evidence on the Bill when it hears from:-
 - The Cabinet Secretary for Justice and Veterans, Keith Brown MSP and Scottish Government officials, Elaine Hamilton, Head of Forensics Policy, Police Powers Unit, Police Division and Louise Miller, Solicitor, Legal Directorate.

15. This meeting will be a hybrid session with some Members and witnesses attending via live video conferencing and others attending in person. Members of the public can watch the evidence session live on the Scottish Parliament TV website from 10.00am on Tuesday 8 February.

<https://www.scottishparliament.tv/>

16. Following this evidence session, the Committee will consider the evidence received as part of the Stage 1 scrutiny of the Bill.

Written evidence

17. The Committee issued a [call for views](#) on the Bill which closed on 14 January 2022. It received 48 written submissions which are published on the Committee's webpage [here](#).

18. A SPICe briefing setting out the key issues and further detail about the Bill is available [here](#).

Next steps

19. The Committee are due to report to the Parliament on the general principles of the Bill at the start of April 2022.

**Clerks to the Committee
February 2022**