

‘Abolishing the crime of sedition at just the wrong time’

by Francis Bennion

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Abolishing the crime of sedition at just the wrong time

Sir, Your leading article (8 June 2011) on the revised Prevent Strategy says that we are faced with ‘a nexus of angry young men, extremist bookshops and websites, fanatical preachers’ etc. But these should be dealt with by the law, not by the latest government gimmick. The act of inciting disaffection against the established order, including the institutions of government, used to be called sedition. There would have been no need for the original Prevent Strategy (which your leader justly describes as ‘flawed’) if the common law offence of sedition had been put into effect by the authorities. Instead, it was abolished by the Coroners and Justice Act 2009 s. 73.

The then Justice Minister Lord Bach announced on 10 July 2009 that sedition was to be abolished as obsolete. He said that it was an arcane offence ‘from a bygone era when freedom of expression wasn’t seen as the right it is today’. This followed a provisional finding by the Law Commission in its Working Paper No.72 in 1977 that ‘there is no need for an offence of sedition’.

We should place more reliance on our ancient but still wise common law. Safeguarding the populace was and is its underlying imperative. It is when unimaginative people think the common law has become ‘obsolete’ that it so often reveals itself as still vitally important.

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References

None

¹ Published in *The Times* 9 June 2011 (lead letter).