

These notes relate to the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 (asp 1) which received Royal Assent on 19 January 2012

OFFENSIVE BEHAVIOUR AT FOOTBALL AND THREATENING COMMUNICATIONS (SCOTLAND) ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 5: Power to modify sections 1 and 4

23. **Section 5** provides Scottish Ministers with the power by order to modify sections 1 and 4. The power is subject to the affirmative procedure. Subsection (1) provides a power to add a description of behaviour to, or remove or vary a description of behaviour listed in, section 1(2); to add to, remove from or vary the list of characteristics in section 1(4) which define the groups in respect of whom it is an offence to incite or express hatred; to add a definition to, or remove or vary a definition contained in, section 4(2) or (3); and to disapply section 1(5)(b) in relation to behaviour described in section 1(2). Subsection (2) provides that any order made under subsection (1) may make such consequential, transitional, transitory or saving provisions as are considered appropriate.