

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 7: Protection of freedom of expression

32. This section makes clear, for the avoidance of doubt, that Condition B of the ‘threatening communication’ offence does not prohibit or restrict certain behaviours that would be protected under existing rights of freedom of expression.
33. Subsection (1) sets out the behaviours which are not restricted by section 6(5). They are:
- discussion or criticism of religions or the beliefs or practices of adherents of religions,
 - expressions of antipathy, dislike, ridicule, insult or abuse towards those matters,
 - proselytising (that is attempting to convert persons who hold particular religious views or no such views), or
 - urging of adherents of religions to cease practising their religions.
34. Subsection (2) provides that ‘religion’ in subsection (1) includes:
- religions generally,
 - particular religions,
 - other belief systems.