



# Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012

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## *Offensive behaviour at regulated football matches*

### **1 Offensive behaviour at regulated football matches**

- (1) A person commits an offence if, in relation to a regulated football match—
- (a) the person engages in behaviour of a kind described in subsection (2), and
  - (b) the behaviour—
    - (i) is likely to incite public disorder, or
    - (ii) would be likely to incite public disorder.
- (2) The behaviour is—
- (a) expressing hatred of, or stirring up hatred against, a group of persons based on their membership (or presumed membership) of—
    - (i) a religious group,
    - (ii) a social or cultural group with a perceived religious affiliation,
    - (iii) a group defined by reference to a thing mentioned in subsection (4),
  - (b) expressing hatred of, or stirring up hatred against, an individual based on the individual's membership (or presumed membership) of a group mentioned in any of sub-paragraphs (i) to (iii) of paragraph (a),
  - (c) behaviour that is motivated (wholly or partly) by hatred of a group mentioned in any of those sub-paragraphs,
  - (d) behaviour that is threatening, or
  - (e) other behaviour that a reasonable person would be likely to consider offensive.
- (3) For the purposes of subsection (2)(a) and (b), it is irrelevant whether the hatred is also based (to any extent) on any other factor.
- (4) The things referred to in subsection (2)(a)(iii) are—
- (a) colour,
  - (b) race,

- (c) nationality (including citizenship),
  - (d) ethnic or national origins,
  - (e) sexual orientation,
  - (f) transgender identity,
  - (g) disability.
- (5) For the purposes of subsection (1)(b)(ii), behaviour would be likely to incite public disorder if public disorder would be likely to occur but for the fact that—
- (a) measures are in place to prevent public disorder, or
  - (b) persons likely to be incited to public disorder are not present or are not present in sufficient numbers.
- (6) A person guilty of an offence under subsection (1) is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both.