



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 1

SENTENCING

Other sentencing measures

25 Offences aggravated by racial or religious prejudice

- (1) In section 96 of the Crime and Disorder Act 1998 (c.37) (racially aggravated offences), for subsection (5) substitute—

“(5) The court must—

- (a) state on conviction that the offence was racially aggravated,
- (b) record the conviction in a way that shows that the offence was so aggravated,
- (c) take the aggravation into account in determining the appropriate sentence, and
- (d) state—
 - (i) where the sentence in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or
 - (ii) otherwise, the reasons for there being no such difference.”.

- (2) In section 74 of the Criminal Justice (Scotland) Act 2003 (asp 7) (offences aggravated by religious prejudice)—

- (a) after subsection (2) insert—

“(2A) It is immaterial whether or not the offender’s malice and ill-will is also based (to any extent) on any other factor.”,

- (b) subsections (3) and (4) are repealed, and
- (c) after subsection (4) insert—

Status: This is the original version (as it was originally enacted).

“(4A) The court must—

- (a) state on conviction that the offence was aggravated by religious prejudice,
- (b) record the conviction in a way that shows that the offence was so aggravated,
- (c) take the aggravation into account in determining the appropriate sentence, and
- (d) state—
 - (i) where the sentence in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or
 - (ii) otherwise, the reasons for there being no such difference.”.