



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 2

### CRIMINAL LAW

#### *Threatening or abusive behaviour*

#### **38 Threatening or abusive behaviour**

- (1) A person (“A”) commits an offence if—
  - (a) A behaves in a threatening or abusive manner,
  - (b) the behaviour would be likely to cause a reasonable person to suffer fear or alarm, and
  - (c) A intends by the behaviour to cause fear or alarm or is reckless as to whether the behaviour would cause fear or alarm.
- (2) It is a defence for a person charged with an offence under subsection (1) to show that the behaviour was, in the particular circumstances, reasonable.
- (3) Subsection (1) applies to—
  - (a) behaviour of any kind including, in particular, things said or otherwise communicated as well as things done, and
  - (b) behaviour consisting of—
    - (i) a single act, or
    - (ii) a course of conduct.
- (4) 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.