

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 8: Section 6: interpretation

35. This section defines terms used in section 6.
36. Subsection (2) provides that “communicates” means communicates by any means other than by unrecorded speech alone. As such it includes communications made by post or printed media, on the internet or through websites, email, blogs, podcasts, etc.
37. Subsection (3) defines “material” as anything capable of being read, looked at, watched or listened to, either directly or after conversion from data stored in another form. As such, it includes printed text, video, sound recordings, images, etc.
38. Subsection (4) defines “hatred on religious grounds” as hatred of a group of persons based on their membership or presumed membership of a religious group (as defined by section 74(7) of the [Criminal Justice \(Scotland\) Act 2003](#)), or of a social or cultural group with a perceived religious affiliation, or of an individual based on their membership or presumed membership of such a group.
39. Subsection (5) defines a “seriously violent act” as one that would cause serious injury to, or the death of, a person.
40. Subsection (6) provides that in subsection (4) “membership” of a group includes association with members of that group, and “presumed” means presumed by the person making the communication (as such, if a person stirs up hatred of a person because he believes that person to be a member of a particular religious group, it is irrelevant that the person is not, in fact, a member of that group).