

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

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 9: Power to modify sections 6(5)(b) and 8***

41. This section allows for sections 6(5)(b) and 8 to be amended by order made by the Scottish Ministers. Subsection (1) provides a power to amend section 6(5)(b) to add ground of hatred to, or remove or vary a ground of hatred covered by, Condition B of the ‘threatening communications’ offence and to amend section 8 so as to add, remove or vary a definition that relates to a ground of hatred mentioned in section 6(5)(b).
42. Subsection (2) provides that an order under subsection (1) may specify grounds of hatred by reference to groups of persons, or individuals, of a specified description, and may specify such descriptions by reference to specified personal characteristics. It further provides that, in relation to any ground added by the order, an order may modify the Act so as to make provision for similar purposes as that in section 7 (protection of freedom of expression).
43. Subsection (3) provides that any order made under subsection (1) may make such consequential, transitional, transitory or saving provision as Scottish Ministers consider appropriate. The order-making power is subject to the affirmative procedure.