

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

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 10: Sections 1(1) and 6(1): offences outside Scotland***

44. This section makes provision regarding the circumstances in which the offences at sections 1(1) and 6(1) may be committed outside Scotland. In these circumstances, the acts will constitute offences under Scots law (though not necessarily under the law of the country in which the act took place).
45. Subsection (1) provides that the offence at section 1(1) applies to anything done outside Scotland by a person to who is habitually resident in Scotland.
46. Subsection (2) provides that, as well as applying to anything done in Scotland by any person, the offence at section 6(1) also applies to a communication made by any person from outside Scotland if the person intends the communication to be heard, seen, read, looked at, watched or listened to primarily in Scotland. Thus the offence could be committed, for example, by an Irish national posting a threat to a prominent figure in Scottish football from outwith Scotland, but would not be committed by, for example, a Dutch national posting a threat to a prominent figure in English football from outwith Scotland.
47. Subsection (3) provides that, where a person commits an offence outwith Scotland, he or she may be tried in any sheriff court district in which the person is apprehended or in custody, or in such sheriff court district as the Lord Advocate may direct, as if the offence had been committed there.