These notes relate to the Hate Crime and Public Order (Scotland) Act 2021 (asp 14)

# **EXPLANATORY NOTES**

# HATE CRIME AND PUBLIC ORDER (SCOTLAND) ACT 2021

### **INTRODUCTION**

## THE ACT

#### **PART 1 – AGGRAVATION OF OFFENCES BY PREJUDICE**

Section 1 – Aggravation of offences by prejudice

Section 2 - Consequences of aggravation by prejudice

# PART 2 – OFFENCE OF RACIALLY AGGRAVATED HARASSMENT

Section 3 - racially aggravated harassment

## PART 3 – OFFENCES RELATING TO STIRRING UP HATRED

#### Offences of stirring up hatred

Section 4 – Offences of stirring up hatred

#### Further provisions relating to the offences

Section 5 – Powers of entry etc. with warrant

Section 6 - Recording conviction for an offence under section 4

Section 7 – Forfeiture and disposal of material to which offence relates

Section 8 - Individual culpability where organisation commits offence

Section 9 – Protection of freedom of expression

Section 10 – Interpretation of Part 3

# PART 4 – FURTHER PROVISION RELATING TO HATE CRIME

#### The characteristics

Section 11 – Meaning of the characteristics

Section 12 – Power to add the characteristic of sex

## **Providers of information society services**

Section 13 and schedule 1 – Provision in relation to providers of information society services

### **Reports relating to hate crime**

Section 14 – Publication of reports on hate crime convictions

Section 15 – Publication of reports by police on recorded hate crime

# PART 5 – ABOLITION OF THE OFFENCE OF BLASPHEMY

Section 16 – Abolition of the offence of blasphemy

## **PART 6 – GENERAL PROVISIONS**

Section 17 – Ancillary provision

Section 18 and schedule 2 – Modifications of enactments

Section 19 - Crown application: criminal offences

Section 20 – Crown application: powers of entry

Section 21 – Commencement

Section 22 – Short title

# **PARLIAMENTARY HISTORY**