



Hate Crime and Public Order (Scotland) Act 2021

2021 asp 14

PART 4

FURTHER PROVISION RELATING TO HATE CRIME

The characteristics

11 Meaning of the characteristics

- (1) This section applies for the interpretation of sections 1, 4 and 9.
- (2) A reference to age includes a reference to an age range.
- (3) A disability is a physical or mental impairment of any kind.
- (4) For the purposes of subsection (3) (but without prejudice to its generality), a medical condition which has, has had, or may have a substantial or long-term effect, or is of a progressive nature, is to be regarded as amounting to an impairment.
- (5) A group defined by reference to religion is a group of persons defined by reference to—
 - (a) religious belief or lack of religious belief,
 - (b) membership of or adherence to a church or religious organisation,
 - (c) support for the culture or traditions of a church or religious organisation,
 - (d) participation in activities associated with such a culture or such traditions.
- (6) A reference to sexual orientation is a reference to sexual orientation towards—
 - (a) persons of the same sex,
 - (b) persons of a different sex, or
 - (c) both persons of the same sex and persons of a different sex.
- (7) A person is a member of a group defined by reference to transgender identity if the person is—
 - (a) a female-to-male transgender person,

Changes to legislation: There are currently no known outstanding effects for the Hate Crime and Public Order (Scotland) Act 2021, Section 11. (See end of Document for details)

- (b) a male-to-female transgender person,
- (c) a non-binary person,
- (d) a person who cross-dresses,

and references to transgender identity are to be construed accordingly.

(8) A person is a member of a group defined by reference to variations in sex characteristics if the person is born with physical and biological sex characteristics which, taken as a whole, are neither—

- (a) those typically associated with males, nor
- (b) those typically associated with females,

and references to variations in sex characteristics are to be construed accordingly.

Commencement Information

II S. 11 in force at 1.4.2024 by S.S.I. 2024/82, **reg. 2** (with **reg. 3**)

Changes to legislation:

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