



# Hate Crime and Public Order (Scotland) Act 2021

2021 asp 14

## PART 3

### OFFENCES RELATING TO STIRRING UP HATRED

#### *Further provision relating to the offences*

#### **8 Individual culpability where organisation commits offence**

- (1) This section applies where—
- (a) an offence under section 4 is committed by a relevant organisation, and
  - (b) the commission of the offence involves consent or connivance on the part of a responsible individual.
- (2) The responsible individual (as well as the relevant organisation) commits the offence.
- (3) For the purposes of this section—
- (a) “relevant organisation” means an organisation listed in the first column of the table in subsection (4),
  - (b) “responsible individual” means, in relation to a relevant organisation—
    - (i) an individual falling within the corresponding entry in the second column of the table in subsection (4), or
    - (ii) an individual purporting to act in the capacity of an individual falling within the corresponding entry.
- (4) The table is as follows—

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<i>Relevant organisation</i>	<i>Individual</i>
company as mentioned in section 1 of the Companies Act 2006	director, manager, secretary or other similar officer
	member, where the company's affairs are managed by its members

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**Changes to legislation:** There are currently no known outstanding effects for the Hate Crime and Public Order (Scotland) Act 2021, Section 8. (See end of Document for details)

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limited liability partnership	member
other partnership	partner
any other body or association	individual who is concerned in the management or control of its affairs

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**Commencement Information**

**II** S. 8 in force at 1.4.2024 by S.S.I. 2024/82, **reg. 2** (with **reg. 3**)

**Changes to legislation:**

There are currently no known outstanding effects for the Hate Crime and Public Order (Scotland) Act 2021, Section 8.