



# Hate Crime and Public Order (Scotland) Act 2021

2021 asp 14

## HATE CRIME AND PUBLIC ORDER (SCOTLAND) ACT 2021

### **PART 1**

#### AGGRAVATION OF OFFENCES BY PREJUDICE

- 1 Aggravation of offences by prejudice
- 2 Consequences of aggravation by prejudice

### **PART 2**

#### OFFENCE OF RACIALLY AGGRAVATED HARASSMENT

- 3 Racially aggravated harassment

### **PART 3**

#### OFFENCES RELATING TO STIRRING UP HATRED

##### *Offences of stirring up hatred*

- 4 Offences of stirring up hatred

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

- 5 Powers of entry etc. with warrant
- 6 Recording conviction for offence under section 4
- 7 Forfeiture and disposal of material to which offence relates
- 8 Individual culpability where organisation commits offence
- 9 Protection of freedom of expression
- 10 Interpretation of Part 3

### **PART 4**

#### FURTHER PROVISION RELATING TO HATE CRIME

*The characteristics*

- 11 Meaning of the characteristics
- 12 Power to add the characteristic of sex

*Providers of information society services*

- 13 Provision in relation to providers of information society services

*Reports relating to hate crime*

- 14 Publication of reports on hate crime convictions
- 15 Publication of reports on hate crime recorded by police

**PART 5**

ABOLITION OF THE OFFENCE OF BLASPHEMY

- 16 Abolition of the offence of blasphemy

**PART 6**

GENERAL PROVISIONS

- 17 Ancillary provision
- 18 Modifications of enactments
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- 20 Crown application: powers of entry
- 21 Commencement
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SCHEDULE 1 — Offences under sections 3 and 4: information society services

*Exceptions for mere conduits*

- 1 (1) A service provider does not commit an offence under...

*Exception for caching*

- 2 (1) This paragraph applies where an information society service consists...

*Exception for hosting*

- 3 (1) A service provider does not commit an offence under...

*Interpretation*

- 4 In this schedule— “information society services” has the meaning given...

SCHEDULE 2 — Modifications of enactments

*Public Order Act 1986*

- 1 (1) The Public Order Act 1986 is amended in accordance...

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

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*Criminal Law (Consolidation) (Scotland) Act 1995*

- 2 Section 50A (racially-aggravated harassment) of the Criminal Law (Consolidation) (Scotland)...

*Crime and Disorder Act 1998*

- 3 Section 96 (offences racially aggravated) of the Crime and Disorder...

*Criminal Justice (Scotland) Act 2003*

- 4 Section 74 (offences aggravated by religious prejudice) of the Criminal...

*Offences (Aggravation by Prejudice) (Scotland) Act 2009*

- 5 The Offences (Aggravation by Prejudice) (Scotland) Act 2009 is repealed....

**Changes to legislation:**

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