



# Hate Crime and Public Order (Scotland) Act 2021

2021 asp 14

## PART 4

### FURTHER PROVISION RELATING TO HATE CRIME

#### *The characteristics*

#### **12 Power to add the characteristic of sex**

- (1) The Scottish Ministers may by regulations add the characteristic of sex to the list of characteristics in one or more of the following provisions—
  - (a) section 1(2),
  - (b) section 4(3),
  - (c) section 9(a).
- (2) Regulations under this section may modify sections 14(3) and 15(4) by making provision about the information relating to the characteristic of sex which may require to be included in reports under those sections.
- (3) Regulations under this section may modify section 11 by adding interpretative provision relating to the characteristic of sex.
- (4) Regulations under this section—
  - (a) may make incidental, supplementary, consequential, transitional, transitory or saving provision,
  - (b) may make different provision for different purposes,
  - (c) are subject to the affirmative procedure.
- (5) Before laying a draft of a Scottish statutory instrument containing regulations under this section before the Scottish Parliament, the Scottish Ministers must—
  - (a) lay before the Scottish Parliament a proposed draft of the instrument,
  - (b) have regard to any representations about the proposed draft that are made to them within the period of 40 days beginning with the day on which the

---

**Changes to legislation:** There are currently no known outstanding effects for the Hate Crime and Public Order (Scotland) Act 2021, Section 12. (See end of Document for details)

---

proposed draft is laid and make any changes to the draft instrument that they consider appropriate.

- (6) In calculating the period of 40 days, no account is to be taken of any time during which the Scottish Parliament is dissolved or is in recess for more than 4 days.

---

**Commencement Information**

**II** S. 12 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 12.