



Hate Crime and Public Order (Scotland) Act 2021

2021 asp 14

PART 1

AGGRAVATION OF OFFENCES BY PREJUDICE

2 Consequences of aggravation by prejudice

- (1) Subsection (2) applies where it is—
- (a) libelled in an indictment, or specified in a complaint, that an offence is aggravated by prejudice, and
 - (b) proved that the offence is so aggravated.
- (2) The court must—
- (a) state on conviction—
 - (i) that the offence is aggravated by prejudice, and
 - (ii) the type of prejudice by which the offence is aggravated (by reference to one or more of the characteristics mentioned in section 1(2)),
 - (b) record the conviction in a way that shows—
 - (i) that the offence is aggravated by prejudice, and
 - (ii) the type of prejudice by which the offence is aggravated (by reference to one or more of the characteristics mentioned in section 1(2)),
 - (c) take the aggravation into account in determining the appropriate sentence, and
 - (d) state—
 - (i) where the sentence in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or
 - (ii) otherwise, the reasons for there being no such difference.

Commencement Information

11 S. 2 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 2.