

These notes relate to the Hate Crime and Public Order (Scotland) Act 2021 (asp 14) which received Royal Assent on 23 April 2021

HATE CRIME AND PUBLIC ORDER (SCOTLAND) ACT 2021

EXPLANATORY NOTES

THE ACT

Part 3 – Offences relating to stirring up hatred

Further provisions relating to the offences

Section 8 – Individual culpability where organisation commits offence

55. **Section 8** makes provision for certain persons associated with different types of organisations to be held criminally liable for committing an offence under section 4, in addition to the organisation.
56. For that to happen, any person referred to in section 8 as a “responsible individual” must have consented to, or connived in, the organisation’s commission of the offence. Section 8(4) sets out a table explaining which type of person is a “responsible individual” in relation to different types of organisation listed in the table. For example, the director or secretary of a company, and a partner in a firm, are responsible individuals, so potentially have criminal liability for offences under section 4 committed by the company or partnership, respectively.