



Criminal Law (Consolidation) (Scotland) Act 1995

1995 CHAPTER 39

PART VI

MISCELLANEOUS AND GENERAL

[^{F1} Racially-aggravated harassment]

^{F1}50A [Racially-aggravated harassment.]

- (1) A person is guilty of an offence under this section if he—
 - (a) pursues a racially-aggravated course of conduct which amounts to harassment of a person and—
 - (i) is intended to amount to harassment of that person; or
 - (ii) occurs in circumstances where it would appear to a reasonable person that it would amount to harassment of that person; or
 - (b) acts in a manner which is racially aggravated and which causes, or is intended to cause, a person alarm or distress.
- (2) For the purposes of this section a course of conduct or an action is racially aggravated if—
 - (a) immediately before, during or immediately after carrying out the course of conduct or action the offender evinces towards the person affected malice and ill-will based on that person's membership (or presumed membership) of a racial group; or
 - (b) the course of conduct or action is motivated (wholly or partly) by malice and ill-will towards members of a racial group based on their membership of that group.
- (3) In subsection (2)(a) above—

“membership”, in relation to a racial group, includes association with members of that group;

Status: Point in time view as at 25/01/2018. This version of this provision has been superseded.

Changes to legislation: Criminal Law (Consolidation) (Scotland) Act 1995, Section 50A is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“presumed” means presumed by the offender.

- (4) It is immaterial for the purposes of paragraph (a) or (b) of subsection (2) above whether or not the offender’s malice and ill-will is also based, to any extent, on—
- (a) the fact or presumption that any person or group of persons belongs to any religious group; or
 - (b) any other factor not mentioned in that paragraph.
- (5) A person who is guilty of an offence under this section shall—
- (a) on summary conviction, be liable to a fine not exceeding the statutory maximum, or imprisonment for a period not exceeding six months, or both such fine and such imprisonment; and
 - (b) on conviction on indictment, be liable to a fine or to imprisonment for a period not exceeding seven years, or both such fine and such imprisonment.
- (6) In this section—
- “conduct” includes speech;
 - “harassment” of a person includes causing the person alarm or distress;
 - “racial group” means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins,
- and a course of conduct must involve conduct on at least two occasions.

Textual Amendments

F1 S. 50A inserted (30.9.1998) by 1998 c. 37, s. 33; S.I. 1998/2327, art. 2(g)

Status:

Point in time view as at 25/01/2018. This version of this provision has been superseded.

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