Thank you for your letter dated 22 September 2017 seeking the Scottish Government’s view on petition PE1665.

Your letter asks what the Scottish Government’s view of the current law on blasphemy is, whether there are currently any plans to amend this law, and if so, what the timescales for such changes are.

Blasphemy remains an offence at common law. However, there have been no prosecutions for blasphemy in a very long time. The last known prosecution occurred more than 170 years ago, in 1843. The 4th Edition of Gordon’s Criminal Law of Scotland (2017) notes at paragraph 50.17 that “It is extremely unlikely that any prosecution will now be brought for blasphemy and it may be said that blasphemy is no longer a crime.” However, matters of criminal prosecution are not for the Scottish Government, but for the Lord Advocate as the head of the prosecution service for Scotland.

The Scottish Government have no plans at this time to formally abolish the offence. However, Lord Bracadale is currently undertaking a review of hate crime legislation, the scope of which includes crimes motivated by religious hatred. His review is considering whether the scope of existing laws should be adjusted, including whether the religious statutory aggravation should be adjusted to reflect further aspects of religiously motivated offending. The Scottish Government will consider whether the law in this area requires to be amended in the light of the findings of his report.