



The Scottish Parliament  
Pàrlamaid na h-Alba

## Criminal Justice Committee

Jo Farrell  
Chief Constable  
Police Scotland

By email

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Friday, 15 March 2024

Dear Chief Constable,

### **Hate Crime and Public Order (Scotland) Act 2021**

I am writing to you regarding the proposed commencement of the Hate Crime and Public Order (Scotland) Act 2021, on 1 April 2024.

The 2021 Act maintains the existing legislative protections from crimes aggravated by prejudice towards race, religion, disability, transgender identity and sexual orientation. The 2021 Act will introduce new protections against offences aggravated by prejudice towards a person's age. It will also update the definition of transgender identity, including the removal of 'intersexuality' from the definition to create a separate characteristic of 'variations in sex characteristics'.

It would be helpful if you could please provide details of the work undertaken by Police Scotland to ensure that officers and staff are aware of the provisions in the legislation and confirm they have received sufficient training ahead of the commencement of the Act on 1 April 2024, to enable them to enforce its provisions. Could you also please provide details of the guidance available to officers and staff and confirm whether it is available online.

The Committee received a letter from Murray Blackburn Mackenzie raising a specific concern that Police Scotland's current policy that a crime can be recorded based on the perception of the person reporting an incident to them, may require to be updated. This is in response to a recent policy change introduced by police forces in

England and Wales not to record anything that is 'trivial, malicious or irrational'. A copy of the letter can be accessed [here](#).

Could you please confirm whether Police Scotland intends to update its policy and, if so, whether that update and any associated training will be completed prior to 1 April 2024.

A response by Friday, 22 March would be appreciated.

Best wishes,

A handwritten signature in black ink that reads "Audrey N: csn". The signature is written in a cursive, slightly slanted style.

Audrey Nicoll MSP  
Convener, Criminal Justice Committee