

Hate Crime and Public Order (Scotland) Bill – Stage 2

Before section 1

Liam McArthur

103 Before section 1 insert—

<PART

Freedom of expression

Freedom of expression

- (1) Notwithstanding any specific provision under this Act protecting freedom of expression, nothing under this Act should prohibit discussion or criticism in relation to characteristics mentioned in section 1(2).
- (2) Nothing in this Act prejudices the freedom of expression enjoyed by virtue of Article 10 of the European Convention on Human Rights.>

Section 1

Liam Kerr

104 In section 1, page 1, line 23 leave out <transgender identity> and insert <gender reassignment>

Liam Kerr

105 In section 1, page 1, leave out line 24

Liam Kerr

106 In section 1, page 1, line 24, leave out <variations in sex characteristics> and insert <differences in sex development>

Section 3

Liam Kerr

39A As an amendment to amendment 39, line 2, leave out <or abusive>

Liam Kerr

40A As an amendment to amendment 40, line 2, leave out <or abusive>

Liam Kerr

107 In section 3, page 3, line 20 leave out <transgender identity> and insert <gender reassignment>

Liam Kerr

108 In section 3, page 3, line 21, leave out <variations in sex characteristics> and insert <differences in sex development>

Section 5

Liam Kerr

- 109 In section 5, page 5, line 8 leave out <transgender identity> and insert <gender reassignment>

Liam Kerr

- 110 In section 5, page 5, leave out line 9

Liam Kerr

- 111 In section 5, page 5, line 9, leave out <variations in sex characteristics> and insert <differences in sex development>

After section 12

Liam McArthur

- 82A As an amendment to amendment 82, line 5, leave out <or criticism>

Rhoda Grant

- 112 After section 12, insert—

<Freedom of expression: women's rights

- (1) This section applies for the purposes of section 3(2) and 5(2).
- (2) Behaviour or material is not taken to be threatening or abusive when it is for the purpose of advocating for women's rights.>

Section 14

Liam Kerr

- 113 In section 14, page 9, line 6 leave out <transgender identity> and insert <gender reassignment>

Liam Kerr

- 114 In section 14, page 9, leave out lines 10 and 11

Liam Kerr

- 115 In section 14, page 9, leave out subsection (8)

Liam Kerr

- 116 In section 14, page 9, line 12, leave out <variations in sex characteristics> and insert <differences of sex development>