

Age

Current Hate Crime Legislation

Age is not currently included within the existing hate crime legislative framework.

What the Hate Crime and Public Order (Scotland) Bill will do

Many crimes against the elderly are driven by a desire to exploit a perceived vulnerability. However, the Scottish Government is also of the view that some offences may be motivated by prejudice based on the perceived age of the victim and that these crimes should be treated in the same way as other hate crimes.

The Bill therefore adds age an additional characteristic to ensure hate crime legislation provides protection against offences arising from age-related prejudice. It includes a new statutory aggravation in relation to age as well as new offences relating to stirring up of hatred based on age.

Impact

Although there might only be a relatively small proportion of crimes relating to malice and ill-will towards a person because of their age, the Scottish Government wants to ensure that that these crimes are treated in the same way as other hate crimes.

The inclusion of age as a characteristic within hate crime legislation will send a clear message to society that these offences will be treated seriously and will not be tolerated.

It will cover persons of any age. Therefore this would mean that it does not apply only to a particular age group such as elderly persons or children and young people. Although it is noted that, in practice, it may be more likely that offences under the Bill – in particular offences where the aggravation applies – are committed against elderly persons.

Further information

Further information about the Hate Crime and Public Order (Scotland) Bill can be found on the Scottish Government webpage <https://www.gov.scot/policies/crime-prevention-and-reduction/hate-crime/>.