

**Annex A: Email Correspondence in Relation to J. K. Rowling's Criticism of the Scottish Government**

**Email Correspondence 1**

**From:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>  
**Sent:** Tuesday, October 13, 2020 7:39 PM  
**To:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>  
**Cc:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>  
**Subject:** RE: Transgender Identity + VSC - Hate Crime Bill - Stage One Oral Evidence Briefing - MASTER Q&A

**[redacted – s38(1)(b)]**

1. Many thanks.
2. [redacted - out of scope]
3. [redacted - out of scope]
4. Subject to any thoughts from [redacted – s38(1)(b)], I was content with the material on VSC and transgender identity. I noted the comment by [redacted – s38(1)(b)] on trans identity (“I wonder if the sensitivity here should be about the perceived widening of the definition / JK Rowling and GRA?”) and happy to look at further material. I commented on JK Rowling issues this morning – please see above.

[redacted – s38(1)(b)]  
Family Law Policy  
Scottish Government  
[redacted – s38(1)(b)]



s38(1)(b)]@scotland.gsi.gov.uk>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>

**Subject:** RE: For Policy Views - COP Tuesday 13 October - Hate Crime Bill - Stage One Oral Evidence Briefing - MASTER Q&A

I've suggested a few tweaks. I think the JK Rowling line needs updating, as it's now more than one tweet quoted in one article.

[redacted – s38(1)(b)]

### **Email Correspondence 3**

**From:** Jeanette Campbell <Jeanette.Campbell@gov.scot>

**Sent:** Thursday, October 6, 2022 1:07 PM

**To:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; Ross Ingebrigtsen

<Ross.Ingebrigtsen@gov.scot>; Emily Mackintosh <Emily.Mackintosh@gov.scot>

**Cc:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted –

s38(1)(b)]@gov.scot>; Neil Rennick <Neil.Rennick@gov.scot>; Denise Swanson

<Denise.Swanson@gov.scot>; [redacted – s38(1)(b)] <[redacted –

s38(1)(b)]@paroleboard.scot>; [redacted – s38(1)(b)] <[redacted –

s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>;

[redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; Communications Social

Justice <CommunicationsSocialJustice@gov.scot>; [redacted – s38(1)(b)]

<[redacted – s38(1)(b)]@gov.scot>; Communications First Minister

<CommunicationsFirstMinister@gov.scot>

**Subject:** RE: SPAD VIEW: JK Rowling

Fine

**From:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>

**Sent:** 06 October 2022 13:05

**To:** Nicolson S (Stuart) (Special Adviser) <Stuart.Nicolson@gov.scot>; Ingebrigtsen

R (Ross) <Ross.Ingebrigtsen@gov.scot>; Mackintosh E (Emily)

<Emily.Mackintosh@gov.scot>; Campbell J (Jeanette) (Special Adviser)

<Jeanette.Campbell@gov.scot>

**Cc:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted –

s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted –

s38(1)(b)]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Swanson DA

(Denise) <Denise.Swanson@gov.scot>; [redacted – s38(1)(b)] <[redacted –

s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>;

[redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <

[redacted – s38(1)(b)]@gov.scot>; Communications Social Justice, Housing & Local

Government <CommunicationsSocialJusticeHousing&LocalGovt@gov.scot>;

[redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; Communications First

Minister <CommunicationsFirstMinister@gov.scot>

**Subject:** SPAD VIEW: JK Rowling

Afternoon SpAds,

You may already be aware of the following tweet from JK Rowling [\(1\) J.K. Rowling on Twitter: "I stand in solidarity with @ForWomenScot and all women protesting and speaking outside the Scottish parliament. #NoToSelfID https://t.co/5vZNaZu13H" / Twitter](#)

[redacted – s30(b)(i)] would suggest pointing reporters back to cleared quote from Cab Sec on the committee's report, see below.

Grateful for your views.

Thanks,  
[redacted – s38(1)(b)]

**Social Justice Secretary Shona Robison said:**

"I welcome the Committee's support for the principles of the Bill, which will reform the system for obtaining a gender recognition certificate in Scotland.

"Legal gender recognition has been available for 18 years but many find the current system for obtaining a Gender Recognition Certificate to be intrusive, medicalised and bureaucratic. This Bill aims to simplify and improve the process for a trans person to gain legal recognition, giving them better access to their existing rights.

"Our support for trans rights does not conflict with our continued strong commitment to uphold the rights and protections that women and girls currently have under the 2010 Equality Act. This Bill makes no changes to that Act.

"We will carefully consider the Committee's report ahead of the next stages of the bill."

--

[redacted – s38(1)(b)] | [redacted – s38(1)(b)] | **First Minister, Deputy First Minister & COVID Recovery**

Scottish Government, St Andrew's House, Edinburgh

e: [redacted – s38(1)(b)]@gov.scot

m: [redacted – s38(1)(b)]

**From:** redacted – s38(1)(b)] <redacted – s38(1)(b)]@redacted – s38(1)(b)].com>

**Sent:** 06 October 2022 12:57

**To:** redacted – s38(1)(b)] <redacted – s38(1)(b)]@gov.scot>

**Subject:** jk rowling

Hi

Would the FM like to respond?

[https://twitter.com/jk\\_rowling/status/1577964493702938626?s=20&t=a3BebioF74pqsj1\\_orjQOQ](https://twitter.com/jk_rowling/status/1577964493702938626?s=20&t=a3BebioF74pqsj1_orjQOQ)

[redacted – s38(1)(b)]

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## Email Correspondence 4

**From:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>

**Sent:** Friday, November 11, 2022 12:58 PM

**To:** Jeanette Campbell <Jeanette.Campbell@gov.scot>

**Cc:** [redacted – s38(1)(b)] <redacted – s38(1)(b)]@paroleboard.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; Denise Swanson <Denise.Swanson@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; zzzNews Desk <zzzNewsdesk@gov.scot>; Communications Social Justice <CommunicationsSocialJustice@gov.scot>

**Subject:** SpAd View - The Sun - JK Rowling criticism GRR Bill is being 'rushed' through

Jeanette

The Sun have asked for comment on the tweets from JK Rowling (below) from yesterday. Given the language and tone, do you want to take them into a SpAd space?

They have also asked us to comment on her assertion the bill is being 'pushed through'...are you content for me to go back and refer them to the Scottish Parliament as questions on the Bill's timetable are not for SG to discuss? Full query is included here.

Many thanks

[redacted – s38(1)(b)]

### JK Rowling Tweets

[@NicolaSturgeon](#) continues to ignore public opposition and seeks to push through the Gender Recognition Reform Bill in under two weeks, demonstrating once again that she prioritises the approval of lobby groups over Scottish voters' concerns.

### Tweet Two

The polling is clear: this bill is not supported by the public. Principled MSPs have already voted against it and one has resigned, yet the First Feminist remains determined to undermine the sex-based rights of Scottish girls and women.

### Query

As mentioned, we're doing a story on tweets by JK Rowling yesterday attacking the FM re: the speed of the stage two process for the GRR Bill and the issues around the Bill more generally.

Link here if you'd like to respond -

[https://twitter.com/jk\\_rowling/status/1590790266767945729](https://twitter.com/jk_rowling/status/1590790266767945729)

Thanks,

[redacted – s38(1)(b)]

redacted – s38(1)(b)] | **[redacted – s38(1)(b)]**

**Working from home, contact me via Microsoft Teams**

Scottish Government | Communications | St Andrew's House | Regent Road |

Edinburgh | EH1 3DG

t: [redacted – s38(1)(b)] m: [redacted – s38(1)(b)]



## Email Correspondence 5

**From:** Emily Mackintosh <Emily.Mackintosh@gov.scot>  
**Sent:** Saturday, October 15, 2022 1:29 PM  
**To:** [redacted – s38(1)(b)] <r[redacted – s38(1)(b)]@gov.scot>  
**Cc:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@paroleboard.scot>; Denise Swanson <Denise.Swanson@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; Neil Rennick <Neil.Rennick@gov.scot>; Communications Social Justice <CommunicationsSocialJustice@gov.scot>; [redacted – s38(1)(b)] <redacted – s38(1)(b)]@gov.scot>; redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; Jeanette Campbell <Jeanette.Campbell@gov.scot>  
**Subject:** RE: SpAd views - Sunday Times - JK Rowling GRR single sex spaces

Happy to reissue the cleared line.

Thanks,

E

**From:** redacted – s38(1)(b)] <redacted – s38(1)(b)]@gov.scot>  
**Sent:** 15 October 2022 13:20  
**To:** Mackintosh E (Emily) <Emily.Mackintosh@gov.scot>  
**Cc:** redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; Swanson DA (Denise) <Denise.Swanson@gov.scot>; [redacted – s38(1)(b)] <redacted – s38(1)(b)]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; Communications Social Justice, Housing & Local Government <CommunicationsSocialJusticeHousing&LocalGovt@gov.scot>; redacted – s38(1)(b)] <redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; Campbell J (Jeanette) (Special Adviser) <Jeanette.Campbell@gov.scot>  
**Subject:** SpAd views - Sunday Times - JK Rowling GRR single sex spaces

Hi Emily

We've had a couple of enquiries in today from different journalist at the Sunday Times regarding the Gender Recognition Reform Bill.

The first is from John Boothman relating to JK Rowling's comments that the Bill threatens single sex spaces. We have rebutted this on a number of occasions. Are you content for us to reissue the standard lines below?

The query for the other reporter focuses on the age limit reducing to 16, the removal of the medical requirement and calls to increase the age of marriage to 18. [redacted – s38(1)(b)] will send you those lines this afternoon.

### **A Scottish Government spokesperson said:**

“Our support for trans rights does not conflict with our continued strong commitment to uphold the rights and protections that women and girls currently have under the 2010 Equality Act, which includes a number of exceptions which allow for trans people to be excluded when this is a proportionate means of achieving a legitimate aim.

“Those exceptions are important and the Scottish Government supports them. The Gender Recognition Reform Bill does not make changes to Equality Act or to those exceptions.”

### **Background**

The Gender Recognition Reform (Scotland) Bill was introduced in March and it is now with Parliament to scrutinise and consider. The Equalities, Human Rights and Civil Justice Committee have, by majority, agreed to the general principals of the Bill.

[redacted – s38(1)(b)] | [redacted – s38(1)(b)]  
Social Justice, Housing & Local Government | Scottish Government  
[redacted – s38(1)(b)] | redacted – s38(1)(b)]@gov.scot

## Email Correspondence 6

**From:** redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>

**Sent:** Tuesday, March 19, 2024 2:42 PM

**To:** [redacted – s38(1)(b)] <redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>

**Cc:** Communications Justice and Home Affairs

<CommunicationsJusticeAndHomeAffairs@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; Catriona Dalrymple <Catriona.Dalrymple@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; John Somers <John.Somers@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>

**Subject:** Media query - Hate crime/freedom of expression/E Musk Tweet - The Times

Hi all

Further to the below, The Times has been in touch to ask for a response to the points raised in the Tweet about **freedom of expression**. To respond to this and any queries specifically around the **comics/actors element**, and **JK Rowling's comments** about the new law being 'ludicrous', I suggest the following. I've moved the freedom of expression paragraph into the quote as that's at the centre of this query.

Are you content with this?

Thanks

[redacted – s38(1)(b)]

Victims and Communities Minister Siobhian Brown said:

“The new hate crime laws are designed to tackle the harm caused by hatred and prejudice and provide greater protection for victims and communities. The laws have a high threshold for proving offences of stirring up hatred and there are protections in the Act for individuals' rights in respect to freedom of expression.”

Background

The Hate Crime and Public Order (Scotland) Act introduces new offences for threatening or abusive behaviour which is intended to stir up hatred against someone who possesses, or appears to possess, characteristics including age, disability, religion, sexual orientation, and transgender identity. These new offences have a higher threshold for a crime to be committed than the long-standing offence of stirring up racial hatred, which has been in place since 1986. Hate crime is behaviour that is both criminal and rooted in prejudice and can be verbal, physical, online or face-to-face.

#### Query – The Times

The billionaire owner of Tesla and Space X Elon Musk has taken to his social media platform X to criticise Scotland's new hate crime laws, which are set to come into effect a week on Monday.

The South African born entrepreneur shared a post by a right wing influencer criticising the training police officers in Scotland are to receive around policing the new bill, describing the new laws as an “ example of why it is so important to preserve freedom of speech.”

Musk had shared a post by the influencer Ian Miles Cheong who had tweeted that, “Under the new hate crime law, people who make fun of or misgender trans people, make racial jokes or criticisms of certain religions, or criticize migrants can be prosecuted.

“The different ways in which a person may communicate material to another person are by: displaying, publishing or distributing the material, for example on a sign, on the internet through websites, blogs, podcasts, social media etc., either directly, or by forwarding or repeating material that originates from a third party, through printed media such as magazine publications or leaflets.”

Cheong added: “Repeat a joke you heard online, or show someone a spicy meme or commentary of a transgender person or mass migration on your livestream, and, and [sic] you too will be arrested.”

The author JK Rowling, not for the first time, also took aim at the legislation and said she will not delete social media posts that could breach the new laws, which she described as “ludicrous”.

Rowling has been very critical of the legislation, suggesting that the “police are going to be very busy” when it becomes law on April 1.

Writing on X, the author responded to messages that she should delete comments prior to the new Scottish law coming into force.

She wrote:

“If you genuinely imagine I’d delete posts calling a man a man, so as not to be prosecuted under this ludicrous law, stand by for the mother of all April Fools’ jokes.”

Police Scotland have been derided for the plans they have to enforce the law including insufficient training for officers, the use of more than 400 hate Crime reporting centres including i a sex she and a mushroom farm, and a public awareness campaign based around cartoon character called the Hate monster.

At Holyrood the SNP backbencher Michelle Thomson, a critic of the Scottish government’s previous gender reform legislation, added her voice to concerns about the way the new law would be policed. She said:

“ The Hate Crime and Public Order (Scotland) Act being enacted in April is causing concern to many. Some of that concern is ill-founded and both the Scottish Government and Police Scotland have work to reassure people in that regard. “

“ I do however share the concerns of many as to how the reporting centres will operate, how data will be managed, protected and stored. Furthermore, I share concerns that the legislation may have a cooling effect on the beliefs of some, such as myself, that sex is immutable. “

“ This could occur if a comment is perceived to be hateful, resulting in an investigation causing anxiety, inconvenience and stress yet with no further action. “

[redacted – s38(1)(b)]

[redacted – s38(1)(b)]

Justice and Home Affairs

Desk: [redacted – s38(1)(b)]; [redacted – s38(1)(b)]

Scottish Government | [news.gov.scot](https://www.news.gov.scot)

## Email Correspondence 7

**From:** redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>

**Sent:** Tuesday, March 19, 2024 4:07 PM

**To:** Jeanette Campbell <Jeanette.Campbell@gov.scot>; Jack Middleton <Jack.Middleton@gov.scot>

**Cc:** Communications Justice and Home Affairs

<CommunicationsJusticeAndHomeAffairs@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <redacted – s38(1)(b)]@gov.scot>; Catriona Dalrymple <Catriona.Dalrymple@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; John Somers <John.Somers@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>

**Subject:** SpAds views: Media queries - Hate crime/freedom of expression/E Musk Tweet; comics/actors - The Times; Daily Telegraph

SpAds

Elon Musk has today tweeted content about the Hate Crime Act and freedom of expression (link below). The Times has asked for our response.

[redacted - out of scope]

I'd suggest the following lines to cover both queries and others that may arise from JK Rowling's reported comments about the legislation being 'ludicrous'.

[redacted - out of scope]

Grateful for your views on this approach.

Thanks

[redacted – s38(1)(b)]

Victims and Communities Minister Siobhian Brown said:

“The new hate crime laws are designed to tackle the harm caused by hatred and prejudice and provide greater protection for victims and communities. The laws have a high threshold for proving offences of stirring up hatred and there are protections in the Act for individuals’ rights in respect to freedom of expression.”

#### Background

The Hate Crime and Public Order (Scotland) Act introduces new offences for threatening or abusive behaviour which is intended to stir up hatred against someone who possesses, or appears to possess, characteristics including age, disability, religion, sexual orientation, and transgender identity. These new offences have a higher threshold for a crime to be committed than the long-standing offence of stirring up racial hatred, which has been in place since 1986. Hate crime is behaviour that is both criminal and rooted in prejudice and can be verbal, physical, online or face-to-face.

<https://x.com/elonmusk/status/1770032208662663278?s=20>

[PressReader.com - Digital Newspaper & Magazine Subscriptions](#)

[Hate Crime and Public Order \(Scotland\) Act 2021 - Explanatory Notes \(legislation.gov.uk\)](#)

#### Query – The Times

The billionaire owner of Tesla and Space X Elon Musk has taken to his social media platform X to criticise Scotland’s new hate crime laws, which are set to come into effect a week on Monday.

The South African born entrepreneur shared a post by a right wing influencer criticising the training police officers in Scotland are to receive around policing the new bill, describing the new laws as an “ example of why it is so important to preserve freedom of speech.”

Musk had shared a post by the influencer Ian Miles Cheong who had tweeted that, “Under the new hate crime law, people who make fun of or misgender trans people, make racial jokes or criticisms of certain religions, or criticize migrants can be prosecuted.

“The different ways in which a person may communicate material to another person are by: displaying, publishing or distributing the material, for example on a sign, on the internet through websites, blogs, podcasts, social media etc., either directly, or by forwarding or repeating material that originates from a third party, through printed media such as magazine publications or leaflets.”

Cheong added: “Repeat a joke you heard online, or show someone a spicy meme or commentary of a transgender person or mass migration on your livestream, and, and [sic] you too will be arrested.”

The author JK Rowling, not for the first time, also took aim at the legislation and said she will not delete social media posts that could breach the new laws, which she described as “ludicrous”.

Rowling has been very critical of the legislation, suggesting that the “police are going to be very busy” when it becomes law on April 1.

Writing on X, the author responded to messages that she should delete comments prior to the new Scottish law coming into force.

She wrote:

“If you genuinely imagine I’d delete posts calling a man a man, so as not to be prosecuted under this ludicrous law, stand by for the mother of all April Fools’ jokes.”

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At Holyrood the SNP backbencher Michelle Thomson, a critic of the Scottish government’s previous gender reform legislation, added her voice to concerns about the way the new law would be policed. She said:

“ The Hate Crime and Public Order (Scotland) Act being enacted in April is causing concern to many. Some of that concern is ill-founded and both the Scottish Government and Police Scotland have work to reassure people in that regard. “

“ I do however share the concerns of many as to how the reporting centres will operate, how data will be managed, protected and stored. Furthermore, I share concerns that the legislation may have a cooling effect on the beliefs of some, such as myself, that sex is immutable. “

“ This could occur if a comment is perceived to be hateful, resulting in an investigation causing anxiety, inconvenience and stress yet with no further action. “

[redacted – s38(1)(b)]

[redacted – s38(1)(b)]

Justice and Home Affairs

Desk: [redacted – s38(1)(b)]; [redacted – s38(1)(b)]

Scottish Government | [news.gov.scot](https://www.news.gov.scot)



## **Email Correspondence 8**

**From:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>

**Sent:** Thursday, March 21, 2024 2:06 PM

**To:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>

**Cc:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>

**Subject:** RE: hate crime bill

Hi

[redacted – s30(b)(i)]

A general line, not specific to any example cited, would be best. Something like:

- It is for the police to investigate any reports of any crime being committed and that includes under the new legislation.
- If there is sufficient evidence of a crime, this will be reported to prosecutors and they will decide what action to take.
- In cases prosecuted, it is for the court to decide whether a person is guilty.
- The Scottish Government cannot comment on what are independent justice operational matters.

If Ms Sommerville was in the chamber for FMQs, the FM gave a superb series of answers explaining why much of what is being said is misinformation.

Cheers

[redacted – s38(1)(b)]

[redacted – s38(1)(b)]

Criminal Justice Division

Room GW, St Andrew's House, Edinburgh

Scottish Government

*\*Contactable by email, MS Teams and on [redacted – s38(1)(b)]\**

**From:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>  
**Sent:** Thursday, March 21, 2024 2:00 PM  
**To:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>  
**Cc:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>  
**Subject:** RE: hate crime bill

That's all very helpful [redacted – s38(1)(b)] – and fast! – thank you kindly.

Can we include “SG cannot confirm/state whether activity would be a hate crime, this would be for Police/Courts to determine” because I think Ms Somerville would like to have that to hand.

Thank you again,  
[redacted – s38(1)(b)]

[redacted – s38(1)(b)] | **Gender Equality Policy Team** | Equality Unit | Scottish Government

I use size 14 font in emails in line with accessibility, it would be great if you could too.



**From:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>  
**Sent:** Thursday, March 21, 2024 1:48 PM  
**To:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>  
**Cc:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>  
**Subject:** RE: hate crime bill

Hi [redacted – s38(1)(b)],

Thanks for this and for awareness. Adding others with interest to copy – [redacted – s38(1)(b)] and [redacted – s38(1)(b)] may wish to be aware with respect to misogyny.

[redacted – s30(b)(i)]

[redacted – s30(b)(i)]

[redacted – s38(1)(b)]

[redacted – s38(1)(b)]

DEIHR – Mainstreaming and Inclusion



**From:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>

**Sent:** 21 March 2024 13:33

**To:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>; [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>

**Cc:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>

**Subject:** FW: hate crime bill

**Importance:** High

Hello [redacted – s38(1)(b)] and [redacted – s38(1)(b)]

I hope you're well.

Ms Somerville is leading a debate next week on the Gender Representation on Public Boards (Amendment) (Scotland) Bill, which is a tiny bill to remove a definition of 'woman' from the original Gender Representation ... Act 2018. The definition conflated the two protected characteristics of sex and gender reassignment and was found to be outwith the legislative competence of the Scottish Parliament.

While Ms Somerville is keen to stick to the Bill, she's aware that others in the Chamber may raise a host of other issues around trans people. She's asked for various bits of briefing and her Spad, ELP, has asked me to get lines on this article about JK Rowling and the Hate Crime and Public Order (Scotland) Act -

<https://www.msn.com/en-gb/news/uknews/jk-rowling-will-not-delete-transgender-posts-which-could-breach-hate-crime-laws/ar-BB1k9fRc> I understand the Act is coming into force on 1 April.

Do you have something already prepared that you could please share with me? I'm hoping to get a package of briefing up to her this afternoon.

Many thanks,

[redacted – s38(1)(b)]

[redacted – s38(1)(b)] | **Gender Equality Policy Team** | Equality Unit | Scottish Government

I use size 14 font in emails in line with accessibility, it would be great if you could too.



**From:** Emilie-Louise Purdie <Emilie-Louise.Purdie@gov.scot>  
**Sent:** Thursday, March 21, 2024 12:42 PM  
**To:** [redacted – s38(1)(b)] <[redacted – s38(1)(b)]@gov.scot>  
**Subject:** hate crime bill

Hi [redacted – s38(1)(b)] – please also share hate crime bill lines for Cab Sec. Esp needing lines re >

<https://www.msn.com/en-gb/news/uknews/jk-rowling-will-not-delete-transgender-posts-which-could-breach-hate-crime-laws/ar-BB1k9fRc>