| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0248  Responded to: 3rd February 2023 |
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Your recent request for information is replicated below, together with our response.

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

## 1. Do the police use their powers of arrest in a way that is different from their use for other alleged offences? (I’m aware that the general test is whether the officer believes that there are "reasonable grounds for suspecting someone has committed an offence”.)

## 2. According to the online version of the Act (at legislation.gov.uk), many of its provisions are “prospective”. Is that correct? Does it mean that the Act isn’t yet law?

## 3. Section 15 of the Act (also apparently “prospective”) sets out a requirement for "the chief constable” to provide a report of recorded offences under the Act. What definition of “offence” is used? It’s presumably wider than “convictions”, the reporting of which is covered in section 14.

In terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

The Legislation referred to is not yet in force and consequently there is currently no Police Scotland guidance regarding its provisions. As with all new legislation, the impact will be fully assessed in due course and appropriate training and guidance rolled out to operational officers.

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.