



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 2

CRIMINAL LAW

Threatening or abusive behaviour

38 Threatening or abusive behaviour

- (1) A person (“A”) commits an offence if—
 - (a) A behaves in a threatening or abusive manner,
 - (b) the behaviour would be likely to cause a reasonable person to suffer fear or alarm, and
 - (c) A intends by the behaviour to cause fear or alarm or is reckless as to whether the behaviour would cause fear or alarm.
- (2) It is a defence for a person charged with an offence under subsection (1) to show that the behaviour was, in the particular circumstances, reasonable.
- (3) Subsection (1) applies to—
 - (a) behaviour of any kind including, in particular, things said or otherwise communicated as well as things done, and
 - (b) behaviour consisting of—
 - (i) a single act, or
 - (ii) a course of conduct.
- (4) A person guilty of an offence under subsection (1) is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both.

Changes to legislation: *There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 38. (See end of Document for details)*

Commencement Information

II [S. 38](#) in force at 6.10.2010 by [S.S.I. 2010/339](#), **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 38.