

PART 5

RACE AND RELIGION

- 36 Meaning of racial hatred
- In section 17 of the Public Order Act 1986 (c. 64) (racial hatred defined by reference to a group of persons in Great Britain) omit the words "in Great Britain". 5
- 37 Meaning of fear and hatred
- In Article 8 of the Public Order (Northern Ireland) Order 1987 (S.I. 1987/463 (N.I. 7)) in the definition of fear and the definition of hatred (fear and hatred defined by reference to a group of persons in Northern Ireland) omit the words "in Northern Ireland". 10
- 38 Religious hatred offences
- (1) Part 3 of the Public Order Act 1986 (racial hatred offences) is amended as set out in subsections (2) to (6).
- (2) For the heading substitute "RACIAL OR RELIGIOUS HATRED". 15
- (3) After section 17 insert—
- "Meaning of "religious hatred"*
- 17A Meaning of "religious hatred"
- In this Part "religious hatred" means hatred against a group of persons defined by reference to religious belief or lack of religious belief." 20
- (4) In the following provisions for "racial hatred" substitute "racial or religious hatred"—
- (a) the cross-heading preceding section 18;
- (b) section 18(1) and (5) (use of words or behaviour or display of written material); 25
- (c) section 19(1) and (2) (publishing or distributing written material);
- (d) section 20(1) and (2) (public performance of play);
- (e) section 21(1) and (3) (distributing, showing or playing a recording);
- (f) section 22(1), (3), (4), (5) and (6) (broadcasting or including programme in cable programme service); 30
- (g) section 23(1) and (3) (possession of racially inflammatory material).
- (5) In the sidenote to section 23 and the preceding cross-heading for "racially inflammatory" substitute "inflammatory".
- (6) In section 29 (interpretation) after the definition of "recording" insert—
- " "religious hatred" has the meaning given by section 17A;". 35
- (7) In section 24(2) of the Police and Criminal Evidence Act 1984 (c. 60) (arrestable offences) in paragraph (i) (offences under section 19 of the Public Order Act 1986) for "racial hatred" substitute "racial or religious hatred".

39 Religiously aggravated offences

- (1) Part 2 of the Crime and Disorder Act 1998 (c. 37) is amended as set out in subsections (2) to (6).
- (2) In the cross-heading preceding section 28 for "Racially-aggravated" substitute "Racially or religiously aggravated". 5
- (3) In section 28 (meaning of racially aggravated)—
- (a) in the sidenote and subsection (1) for "racially aggravated" substitute "racially or religiously aggravated";
 - (b) in subsections (1) and (2) for "racial group" substitute "racial or religious group"; 10
 - (c) in subsection (3) for the words from "on" to the end of the subsection substitute "on any other factor not mentioned in that paragraph."
- (4) In section 28 after subsection (4) insert—
- "(5) In this section "religious group" means a group of persons defined by reference to religious belief or lack of religious belief." 15
- (5) In each of the provisions listed in subsection (6)—
- (a) in the sidenote for "Racially-aggravated" substitute "Racially or religiously aggravated";
 - (b) in subsection (1) for "racially aggravated" substitute "racially or religiously aggravated". 20
- (6) The provisions are—
- (a) section 29 (assaults);
 - (b) section 30 (criminal damage);
 - (c) section 31 (public order offences);
 - (d) section 32 (harassment etc.). 25
- (7) In section 153 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (increase in sentences for racial aggravation)—
- (a) in the sidenote for "racial aggravation" substitute "racial or religious aggravation";
 - (b) in subsection (1) for the words from "racially-aggravated assaults" to the end of the subsection substitute "racially or religiously aggravated assaults, criminal damage, public order offences and harassment etc."; 30
 - (c) in subsections (2) and (3) for "racially aggravated" substitute "racially or religiously aggravated".
- (8) In section 24(2) of the Police and Criminal Evidence Act 1984 (c. 60) (arrestable offences) in paragraph (p) (offences falling within section 32(1)(a) of the Crime and Disorder Act 1998) for "racially-aggravated" substitute "racially or religiously aggravated". 35

40 Racial or religious hatred offences: penalties

- In section 27(3) of the Public Order Act 1986 (c. 64) (penalties for racial or religious hatred offences) for "two years" substitute "seven years". 40