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TO

Abolish the common law offence of blasphemy and certain other offences; and to create an offence of religious hatred.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Abolition of certain religious offences

(1) The following offences are hereby abolished—
  (a) blasphemy and blasphemous libel;
  (b) any distinct offence of disturbing a religious service or religious devotions; *5*
  (c) any religious offence of striking a person in a church or churchyard.

(2) The following provisions are hereby repealed—
  (a) in section 1 of the Criminal Libel Act 1819 (60 Geo. 3 & 1 Geo. 4 c. 8), the words "and blasphemous libel, or";
  (b) in sections 3 and 4 of the Law of Libel Amendment Act 1888 (c. 64), the words "blasphemous or"; *10*
  (c) section 59 of the Cemeteries Clauses Act 1847 (c. 65);
  (d) section 2 of the Ecclesiastical Courts Jurisdiction Act 1860 (c. 32);
  (e) section 36 of the Offences against the Person Act 1861 (c. 100);
  (f) section 7 of the Burial Laws Amendment Act 1880 (c. 41). *15*

2 Religious hatred offences

(1) Part 3 of the Public Order Act 1986 (c. 64) (racial hatred offences) is amended as set out in subsections (2) to (6).

(2) For the heading substitute "RACIAL OR RELIGIOUS HATRED".

(3) After section 17 insert— *20*

"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."

(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);

(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);

(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;".

(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 (c. 64)) for "racial hatred" substitute "racial or religious hatred".

3 Short title and extent

(1) This Act may be cited as the Religious Offences Act 2002.

(2) Sections 1 and 2(7) of this Act extend to England and Wales only.

(3) Section 2(1) to (6) of this Act extends to England, Wales and Scotland.