

Extract from the Serious Organised Crime and Police Bill

SCHEDULE 10 Section 119
RACIAL AND RELIGIOUS HATRED

1 Part 3 of the Public Order Act 1986 (c. 64) (racial hatred offences) has effect subject to the following amendments.

2 For the heading for Part 3 substitute “RACIAL AND RELIGIOUS HATRED”.

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.”

4 In the cross-heading before section 18 for “*racial hatred*” substitute “*racial or religious hatred*”.

5 (1) Section 18 (use of words or behaviour or display of written material) is amended as follows.

(2) In subsections (1)(a) and (5) for “racial hatred” substitute “racial or religious hatred”.

(3) For subsection (1)(b) substitute—

“(b) having regard to all the circumstances the words, behaviour or material are (or is) likely to be heard or seen by any person in whom they are (or it is) likely to stir up racial or religious hatred.”

6 (1) Section 19 (publishing or distributing written material) is amended as follows.

(2) In subsections (1)(a) and (2) for “racial hatred” substitute “racial or religious hatred”.

(3) For subsection (1)(b) substitute—

“(b) having regard to all the circumstances the material is likely to be seen by any person in whom it is likely to stir up racial or religious hatred.”

7 (1) Section 20 (public performance of play) is amended as follows.

(2) In subsections (1)(a) and (2) (in both places) for “racial hatred” substitute “racial or religious hatred”.

(3) For subsection (1)(b) substitute—

“(b) having regard to all the circumstances the performance is likely to be attended by any person in whom the performance (taken as a whole) is likely to stir up racial or religious hatred.”

8 (1) Section 21 (distributing, showing or playing a recording) is amended as follows.

(2) In subsections (1)(a) and (3) for “racial hatred” substitute “racial or religious hatred”.

(3) For subsection (1)(b) substitute—

“(b) having regard to all the circumstances, the recording is likely to be seen or heard by any person in whom it is likely to stir up racial or religious hatred.”

- 9 (1) Section 22 (broadcasting or including programme in programme service) is amended as follows.
(2) In subsections (1)(a), (3), (4) (in both places), (5) (in both places) and (6) for “racial hatred” substitute “racial or religious hatred”.
(3) For subsection (1)(b) substitute—
“(b) having regard to all the circumstances, the programme is likely to be seen or heard by any person in whom it is likely to stir up racial or religious hatred.”
- 10 For the cross-heading before section 23 substitute “*Inflammatory material*”.
- 11 (1) Section 23 (possession of racially inflammatory material) is amended as follows.
(2) In subsection (1) for the words from “if he intends” onwards substitute “if he intends racial or religious hatred to be stirred up thereby or subsection (1A) applies.”
(3) After subsection (1) insert—
“(1A) This subsection applies if, having regard to all the circumstances, the material or recording is likely to be seen or heard by any person in whom it is likely to stir up racial or religious hatred.”
(4) In subsection (3) for “racial hatred” substitute “racial or religious hatred”.
(5) In the sidenote, for “racially inflammatory” substitute “inflammatory”.
- 12 In section 29 (interpretation) after the definition of “recording” insert—
““religious hatred” has the meaning given by section 17A;”.