



Public Order Act 1986

1986 CHAPTER 64

PART III

RACIAL HATRED

Racially inflammatory material

23 Possession of racially inflammatory material.

- (1) A person who has in his possession written material which is threatening, abusive or insulting, or a recording of visual images or sounds which are threatening, abusive or insulting, with a view to—
 - (a) in the case of written material, its being displayed, published, distributed, broadcast or included in a cable programme service, whether by himself or another, or
 - (b) in the case of a recording, its being distributed, shown, played, broadcast or included in a cable programme service, whether by himself or another,is guilty of an offence if he intends racial hatred to be stirred up thereby or, having regard to all the circumstances, racial hatred is likely to be stirred up thereby.
- (2) For this purpose regard shall be had to such display, publication, distribution, showing, playing, broadcasting or inclusion in a cable programme service as he has, or it may reasonably be inferred that he has, in view.
- (3) In proceedings for an offence under this section it is a defence for an accused who is not shown to have intended to stir up racial hatred to prove that he was not aware of the content of the written material or recording and did not suspect, and had no reason to suspect, that it was threatening, abusive or insulting.
- (4) This section does not apply to the possession of written material or a recording by or on behalf of the British Broadcasting Corporation or the Independent Broadcasting Authority or with a view to its being broadcast by either of those authorities.

24 Powers of entry and search.

- (1) If in England and Wales a justice of the peace is satisfied by information on oath laid by a constable that there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of section 23, the justice may issue a warrant under his hand authorising any constable to enter and search the premises where it is suspected the material or recording is situated.
- (2) If in Scotland a sheriff or justice of the peace is satisfied by evidence on oath that there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of section 23, the sheriff or justice may issue a warrant authorising any constable to enter and search the premises where it is suspected the material or recording is situated.
- (3) A constable entering or searching premises in pursuance of a warrant issued under this section may use reasonable force if necessary.
- (4) In this section "premises" means any place and, in particular, includes—
 - (a) any vehicle, vessel, aircraft or hovercraft,
 - (b) any offshore installation as defined in section 1(3)(b) of the Mineral Workings (Offshore Installations) Act 1971, and
 - (c) any tent or movable structure.

25 Power to order forfeiture.

- (1) A court by or before which a person is convicted of—
 - (a) an offence under section 18 relating to the display of written material, or
 - (b) an offence under section 19, 21 or 23,shall order to be forfeited any written material or recording produced to the court and shown to its satisfaction to be written material or a recording to which the offence relates.
- (2) An order made under this section shall not take effect—
 - (a) in the case of an order made in proceedings in England and Wales, until the expiry of the ordinary time within which an appeal may be instituted or, where an appeal is duly instituted, until it is finally decided or abandoned;
 - (b) in the case of an order made in proceedings in Scotland, until the expiration of the time within which, by virtue of any statute, an appeal may be instituted or, where such an appeal is duly instituted, until the appeal is finally decided or abandoned.
- (3) For the purposes of subsection (2) (a)—
 - (a) an application for a case stated or for leave to appeal shall be treated as the institution of an appeal, and
 - (b) where a decision on appeal is subject to a further appeal, the appeal is not finally determined until the expiry of the ordinary time within which a further appeal may be instituted or, where a further appeal is duly instituted, until the further appeal is finally decided or abandoned.
- (4) For the purposes of subsection (2) (b) the lodging of an application for a stated case or note of appeal against sentence shall be treated as the institution of an appeal.