



Crime and Disorder Act 1998

1998 CHAPTER 37

PART IV

DEALING WITH OFFENDERS

CHAPTER II

SCOTLAND

Racial aggravation

96 Offences racially aggravated.

- (1) The provisions of this section shall apply where it is—
 - (a) libelled in an indictment; or
 - (b) specified in a complaint,and, in either case, proved that an offence has been racially aggravated.
- (2) An offence is racially aggravated for the purposes of this section if—
 - (a) at the time of committing the offence, or immediately before or after doing so, the offender evinces towards the victim (if any) of the offence malice and ill-will based on the victim's membership (or presumed membership) of a racial group; or
 - (b) the offence is motivated (wholly or partly) by malice and ill-will towards members of a racial group based on their membership of that group,and evidence from a single source shall be sufficient evidence to establish, for the purposes of this subsection, that an offence is racially aggravated.
- (3) In subsection (2)(a) above—
 - “membership”, in relation to a racial group, includes association with members of that group;
 - “presumed” means presumed by the offender.

Status: Point in time view as at 08/02/2000.

Changes to legislation: Crime and Disorder Act 1998, Cross Heading: Racial aggravation is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) It is immaterial for the purposes of paragraph (a) or (b) of subsection (2) above whether or not the offender’s malice and ill-will is also based, to any extent, on—
- (a) the fact or presumption that any person or group of persons belongs to any religious group; or
 - (b) any other factor not mentioned in that paragraph.
- (5) Where this section applies, the court shall, on convicting a person, take the aggravation into account in determining the appropriate sentence.
- (6) In this section “racial group” means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins.

Commencement Information

- II** S. 96 wholly in force; S. 96 not in force at Royal Assent see s. 121; In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

Status:

Point in time view as at 08/02/2000.

Changes to legislation:

Crime and Disorder Act 1998, Cross Heading: Racial aggravation is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.