
STATUTORY INSTRUMENTS

1987 No. 463

The Public Order (Northern Ireland) Order 1987

PART III

STIRRING UP HATRED OR AROUSING FEAR

Acts intended or likely to stir up hatred or arouse fear

Broadcasting or including programme in cable programme service

12.—(1) If a programme involving threatening, abusive or insulting visual images or sounds is broadcast, or included in a cable programme service, each of the persons mentioned in paragraph (2) is guilty of an offence if—

- (a) he intends thereby to stir up hatred or arouse fear; or
- (b) having regard to all the circumstances hatred is likely to be stirred up or fear is likely to be aroused thereby.

(2) The persons are—

- (a) the person providing the broadcasting or cable programme service;
- (b) any person by whom the programme is produced or directed; and
- (c) any person by whom offending words or behaviour are used.

(3) If the person providing the service, or a person by whom the programme was produced or directed, is not shown to have intended to stir up hatred or arouse fear, it is a defence for him to prove that—

- (a) he did not know and had no reason to suspect that the programme would involve the offending material; and
- (b) having regard to the circumstances in which the programme was broadcast, or included in a cable programme service, it was not reasonably practicable for him to secure the removal of the material.

(4) It is a defence for a person by whom the programme was produced or directed who is not shown to have intended to stir up hatred or arouse fear to prove that he did not know and had no reason to suspect—

- (a) that the programme would be broadcast or included in a cable programme service; or
- (b) that the circumstances in which the programme would be broadcast or so included would be such that hatred would be likely to be stirred up or fear would be likely to be aroused.

(5) It is a defence for a person by whom offending words or behaviour were used and who is not shown to have intended to stir up hatred or arouse fear to prove that he did not know and had no reason to suspect—

- (a) that a programme involving the use of the offending material would be broadcast or included in a cable programme service; or

- (b) that the circumstances in which a programme involving the use of the offending material would be broadcast, or so included, or in which a programme broadcast or so included would involve the use of the offending material, would be such that hatred would be likely to be stirred up or fear would be likely to be aroused.
- (6) A person who is not shown to have intended to stir up hatred or arouse fear is not guilty of an offence under this Article if he did not know, and had no reason to suspect, that the offending material was threatening, abusive or insulting.
- (7) This Article does not apply—
 - (a) to the broadcasting of a programme by the British Broadcasting Corporation or the Independent Broadcasting Authority; or
 - (b) to the inclusion of a programme in a cable programme service by the reception and immediate re-transmission of a broadcast by either of those authorities.
- (8) The following provisions of the Cable and Broadcasting Act 1984 apply to an offence under this Article as they apply to a “relevant offence” as defined in section 33(2) of that Act— section 33 (scripts as evidence); section 34 (power to make copies of scripts and records); section 35 (availability of visual and sound records); and sections 33 and 34 of that Act apply to an offence under this Article in connection with the broadcasting of a programme as they apply to an offence in connection with the inclusion of a programme in a cable programme service.