



Race Relations Act 1976

1976 CHAPTER 74

PART IX

INCITEMENT TO RACIAL HATRED

70 Incitement to racial hatred

- (1) The Public Order Act 1936 shall be amended in accordance with the following provisions of this section.
- (2) After section 5 there shall be inserted the following section:—

“5A Incitement to racial hatred.

- (1) A person commits an offence if—
 - (a) he publishes or distributes written matter which is threatening, abusive or insulting; or
 - (b) he uses in any public place or at any public meeting words which are threatening, abusive or insulting,in a case where, having regard to all the circumstances, hatred is likely to be stirred up against any racial group in Great Britain by the matter or words in question.
- (2) Subsection (1) above does not apply to the publication or distribution of written matter consisting of or contained in—
 - (a) a fair and accurate report of proceedings publicly heard before any court or tribunal exercising judicial authority, being a report which is published contemporaneously with those proceedings or, if it is not reasonably practicable or would be unlawful to publish a report of them contemporaneously, is published as soon as publication is reasonably practicable and (if previously unlawful) lawful; or
 - (b) a fair and accurate report of proceedings in Parliament.

Status: This is the original version (as it was originally enacted).

- (3) In any proceedings for an offence under this section alleged to have been committed by the publication or distribution of any written matter, it shall be a defence for the accused to prove that he was not aware of the content of the written matter in question and neither suspected nor had reason to suspect it of being threatening, abusive or insulting.
- (4) Subsection (3) above shall not prejudice any defence which it is open to a person charged with an offence under this section to raise apart from that subsection.
- (5) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both ;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both ;
- but no prosecution for such an offence shall be instituted in England and Wales except by or with the consent of the Attorney General.
- (6) In this section—
- 'publish' and 'distribute' mean publish or distribute to the public at large or to any section of the public not consisting exclusively of members of an association of which the person publishing or distributing is a member;
 - 'racial group' means a group of persons defined by reference to colour, race, nationality or ethnic or national origins, and in this definition 'nationality' includes citizenship;
 - 'written matter' includes any writing, sign or visible representation."

- (3) In section 7(2), after the words " section 5 " there shall be inserted the words " or 5A ".