

Status: Point in time view as at 24/11/2005. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Public Order Act 1986, Cross Heading: Acts intended to stir up religious hatred is up to date with all changes known to be in force on or before 31 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)



Public Order Act 1986

1986 CHAPTER 64

PART 3A

HATRED AGAINST PERSONS ON RELIGIOUS GROUNDS

VALID FROM 01/10/2007

Acts intended to stir up religious hatred

29B Use of words or behaviour or display of written material

- (1) A person who uses threatening words or behaviour, or displays any written material which is threatening, is guilty of an offence if he intends thereby to stir up religious hatred.
- (2) An offence under this section may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the written material is displayed, by a person inside a dwelling and are not heard or seen except by other persons in that or another dwelling.
- (3) A constable may arrest without warrant anyone he reasonably suspects is committing an offence under this section.
- (4) In proceedings for an offence under this section it is a defence for the accused to prove that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the written material displayed, would be heard or seen by a person outside that or any other dwelling.
- (5) This section does not apply to words or behaviour used, or written material displayed, solely for the purpose of being included in a programme service.

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29C Publishing or distributing written material

- (1) A person who publishes or distributes written material which is threatening is guilty of an offence if he intends thereby to stir up religious hatred.
- (2) References in this Part to the publication or distribution of written material are to its publication or distribution to the public or a section of the public.

29D Public performance of play

- (1) If a public performance of a play is given which involves the use of threatening words or behaviour, any person who presents or directs the performance is guilty of an offence if he intends thereby to stir up religious hatred.
- (2) This section does not apply to a performance given solely or primarily for one or more of the following purposes—
 - (a) rehearsal,
 - (b) making a recording of the performance, or
 - (c) enabling the performance to be included in a programme service;
 but if it is proved that the performance was attended by persons other than those directly connected with the giving of the performance or the doing in relation to it of the things mentioned in paragraph (b) or (c), the performance shall, unless the contrary is shown, be taken not to have been given solely or primarily for the purpose mentioned above.
- (3) For the purposes of this section—
 - (a) a person shall not be treated as presenting a performance of a play by reason only of his taking part in it as a performer,
 - (b) a person taking part as a performer in a performance directed by another shall be treated as a person who directed the performance if without reasonable excuse he performs otherwise than in accordance with that person's direction, and
 - (c) a person shall be taken to have directed a performance of a play given under his direction notwithstanding that he was not present during the performance;
 and a person shall not be treated as aiding or abetting the commission of an offence under this section by reason only of his taking part in a performance as a performer.
- (4) In this section “play” and “public performance” have the same meaning as in the Theatres Act 1968.
- (5) The following provisions of the Theatres Act 1968 apply in relation to an offence under this section as they apply to an offence under section 2 of that Act—
 - section 9 (script as evidence of what was performed),
 - section 10 (power to make copies of script),
 - section 15 (powers of entry and inspection).

29E Distributing, showing or playing a recording

- (1) A person who distributes, or shows or plays, a recording of visual images or sounds which are threatening is guilty of an offence if he intends thereby to stir up religious hatred.

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- (2) In this Part “recording” means any record from which visual images or sounds may, by any means, be reproduced; and references to the distribution, showing or playing of a recording are to its distribution, showing or playing to the public or a section of the public.
- (3) This section does not apply to the showing or playing of a recording solely for the purpose of enabling the recording to be included in a programme service.

29F Broadcasting or including programme in programme service

- (1) If a programme involving threatening visual images or sounds is included in a programme service, each of the persons mentioned in subsection (2) is guilty of an offence if he intends thereby to stir up religious hatred.
- (2) The persons are—
 - (a) the person providing the 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.

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