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# Public Order Act 1986

## 1986 CHAPTER 64

### PART 3A

#### HATRED AGAINST PERSONS ON RELIGIOUS GROUNDS

VALID FROM 01/10/2007

#### *Inflammatory material*

#### **29G Possession of inflammatory material**

- (1) A person who has in his possession written material which is threatening, or a recording of visual images or sounds which are threatening, with a view to—
  - (a) in the case of written material, its being displayed, published, distributed, or included in a programme service whether by himself or another, or
  - (b) in the case of a recording, its being distributed, shown, played, or included in a programme service, whether by himself or another,is guilty of an offence if he intends religious hatred to be stirred up thereby.
- (2) For this purpose regard shall be had to such display, publication, distribution, showing, playing, or inclusion in a programme service as he has, or it may reasonably be inferred that he has, in view.

#### **29H 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 29G, 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.

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- (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 29G, 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 12 of the Mineral Workings (Offshore Installations) Act 1971, and
  - (c) any tent or movable structure.

## **29I Power to order forfeiture**

- (1) A court by or before which a person is convicted of—
  - (a) an offence under section 29B relating to the display of written material, or
  - (b) an offence under section 29C, 29E or 29G,
 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.

## **[<sup>F1</sup>29J Protection of freedom of expression**

Nothing in this Part shall be read or given effect in a way which prohibits or restricts discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents, or of any other belief system or the beliefs or practices of its adherents, or proselytising or urging adherents of a different religion or belief system to cease practising their religion or belief system.

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#### Textual Amendments

- F1** Pt. 3A inserted (E.W.) (1.10.2007 except so far as relating to the insertion of ss. 29B(3), 29H(2), 29I(2)(b)(4)) by [Racial and Religious Hatred Act 2006 \(c. 1\), ss. 1, 3\(2\), Sch.;](#) S.I. 2007/2490, [art. 2](#)

VALID FROM 08/05/2008

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F2 29JA

#### Protection of freedom of expression (sexual orientation)

In this Part, for the avoidance of doubt, the discussion or criticism of sexual conduct or practices or the urging of persons to refrain from or modify such conduct or practices shall not be taken of itself to be threatening or intended to stir up hatred.]]

#### Textual Amendments

- F1** Pt. 3A inserted (E.W.) (1.10.2007 except so far as relating to the insertion of ss. 29B(3), 29H(2), 29I(2)(b)(4)) by [Racial and Religious Hatred Act 2006 \(c. 1\), ss. 1, 3\(2\), Sch.;](#) S.I. 2007/2490, [art. 2](#)
- F2** [S. 29JA](#) inserted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 74, 153\(1\)\(j\), Sch. 16 para. 14](#)

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