



Public Order Act 1986

1986 CHAPTER 64

PART III

RACIAL HATRED

Acts intended or likely to stir up racial hatred

22 Broadcasting or including programme in cable programme service.

- (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 subsection (2) is guilty of an offence if—
 - (a) he intends thereby to stir up racial hatred, or
 - (b) having regard to all the circumstances racial hatred is likely to be stirred up 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 racial hatred, 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 racial hatred to prove that he did not know and had no reason to suspect—

Status: This is the original version (as it was originally enacted).

- (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 racial hatred would be likely to be stirred up.
- (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 racial hatred 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 racial hatred would be likely to be stirred up.
- (6) A person who is not shown to have intended to stir up racial hatred is not guilty of an offence under this section if he did not know, and had no reason to suspect, that the offending material was threatening, abusive or insulting.
- (7) This section 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 section 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 section 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.