



Crime and Disorder Act 1998

1998 CHAPTER 37

PART II

CRIMINAL LAW

Racially-aggravated offences: England and Wales

31 Racially-aggravated public order offences.

- (1) A person is guilty of an offence under this section if he commits—
- an offence under section 4 of the ^{M1}Public Order Act 1986 (fear or provocation of violence);
 - an offence under section 4A of that Act (intentional harassment, alarm or distress); or
 - an offence under section 5 of that Act (harassment, alarm or distress),
- which is racially aggravated for the purposes of this section.
- (2) A constable may arrest without warrant anyone whom he reasonably suspects to be committing an offence falling within subsection (1)(a) or (b) above.
- (3) A constable may arrest a person without warrant if—
- he engages in conduct which a constable reasonably suspects to constitute an offence falling within subsection (1)(c) above;
 - he is warned by that constable to stop; and
 - he engages in further such conduct immediately or shortly after the warning.
- The conduct mentioned in paragraph (a) above and the further conduct need not be of the same nature.
- (4) A person guilty of an offence falling within subsection (1)(a) or (b) above shall be liable—
- on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;

Status: Point in time view as at 30/09/1998. This version of this provision has been superseded.

Changes to legislation: Crime and Disorder Act 1998, Section 31 is up to date with all changes known to be in force on or before 22 June 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)

- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.
- (5) A person guilty of an offence falling within subsection (1)(c) above shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) If, on the trial on indictment of a person charged with an offence falling within subsection (1)(a) or (b) above, the jury find him not guilty of the offence charged, they may find him guilty of the basic offence mentioned in that provision.
- (7) For the purposes of subsection (1)(c) above, section 28(1)(a) above shall have effect as if the person likely to be caused harassment, alarm or distress were the victim of the offence.

Commencement Information

II S. 31 wholly in force; S. 31 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

Marginal Citations

M1 1986 c.64.

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