



Crime and Disorder Act 1998

1998 CHAPTER 37

PART II

CRIMINAL LAW

[^{F1}Racially or religiously aggravated] offences: England and Wales

32 [^{F1}Racially or religiously aggravated] harassment etc.

- (1) A person is guilty of an offence under this section if he commits—
 - (a) an offence under section 2 of the ^{M1}Protection from Harassment Act 1997 (offence of harassment); or
 - (b) an offence under section 4 of that Act (putting people in fear of violence), which is [^{F2}racially or religiously aggravated] for the purposes of this section.
- (2) ^{F3}.....
- (3) A person guilty of an offence falling within subsection (1)(a) above shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.
- (4) A person guilty of an offence falling within subsection (1)(b) above shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding seven years or to a fine, or to both.
- (5) If, on the trial on indictment of a person charged with an offence falling within subsection (1)(a) above, the jury find him not guilty of the offence charged, they may find him guilty of the basic offence mentioned in that provision.

Status: Point in time view as at 01/10/2002. This version of this provision has been superseded.

Changes to legislation: Crime and Disorder Act 1998, Section 32 is up to date with all changes known to be in force on or before 09 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)

- (6) If, on the trial on indictment of a person charged with an offence falling within subsection (1)(b) above, the jury find him not guilty of the offence charged, they may find him guilty of an offence falling within subsection (1)(a) above.
- (7) Section 5 of the ^{M2}Protection from Harassment Act 1997 (restraining orders) shall have effect in relation to a person convicted of an offence under this section as if the reference in subsection (1) of that section to an offence under section 2 or 4 included a reference to an offence under this section.

Textual Amendments

- F1** Words in the sidenote to s. 32 substituted (14.12.2001) by 2001 c. 24, ss. 39(5)(a)(6)(d), 127(2) (with s. 42)
- F2** Words in s. 32(1) substituted (14.12.2001) by 2001 c. 24, ss. 39(5)(b)(6)(d), 127(2) (with s. 42)
- F3** S. 32(2) repealed (1.10.2002) by Police Reform Act 2002 (c. 30), s. 107(2), Sch. 8; S.I. 2002/2306, art. 2(g)(iii)(f)

Commencement Information

- I1** S. 32 wholly in force; S. 32 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** 1997 c.40.
- M2** 1997 c.40.

Status:

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