



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART II

#### CRIMINAL LAW

*[<sup>F1</sup>Racially or religiously aggravated] offences: England and Wales*

#### **32 [<sup>F1</sup>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 [<sup>F2</sup>or 2A] of the <sup>M1</sup>Protection from Harassment Act 1997 (<sup>F3</sup>offences of harassment and stalking); or
  - (b) an offence under section 4 [<sup>F4</sup>or 4A] of that Act (putting people in fear of violence [<sup>F5</sup>and stalking involving fear of violence or serious alarm or distress]),

which is [<sup>F6</sup>racially or religiously aggravated] for the purposes of this section.

<sup>F7</sup>(2) .....

- (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 [<sup>F8</sup>either basic offence] mentioned in that provision.

*Status: Point in time view as at 25/11/2012. This version of this provision has been superseded.*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 25 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) <sup>F9</sup> .....

#### 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)(a) inserted (25.11.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 144(2)(a)(i)** (with s. 97); S.I. 2012/2075, art. 5(d)
- F3** Words in s. 32(1)(a) substituted (25.11.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 144(2)(a)(ii)** (with s. 97); S.I. 2012/2075, art. 5(d)
- F4** Words in s. 32(1)(b) inserted (25.11.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 144(2)(b)(i)** (with s. 97); S.I. 2012/2075, art. 5(d)
- F5** Words in s. 32(1)(b) inserted (25.11.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 144(2)(b)(ii)** (with s. 97); S.I. 2012/2075, art. 5(d)
- F6** Words in s. 32(1) substituted (14.12.2001) by 2001 c. 24, **ss. 39(5)(b)(6)(d)**, 127(2) (with s. 42)
- F7** 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)**
- F8** Words in s. 32(5) substituted (25.11.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 144(3)** (with s. 97); S.I. 2012/2075, art. 5(d)
- F9** S. 32(7) repealed (30.9.2009) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58, 60, Sch. 10 para. 48, **Sch. 11** (with Sch. 12 para. 5(1)); S.I. 2009/2616, **art. 2**

#### 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.

**Status:**

Point in time view as at 25/11/2012. 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 25 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.