



Crime and Disorder Act 1998

1998 CHAPTER 37

PART II

CRIMINAL LAW

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

28 Meaning of “[^{F1}racially or religiously aggravated]”.

- (1) An offence is [^{F1}racially or religiously aggravated] for the purposes of sections 29 to 32 below if—
 - (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim’s membership (or presumed membership) of a [^{F2}racial or religious group]; or
 - (b) the offence is motivated (wholly or partly) by hostility towards members of a [^{F2}racial or religious group] based on their membership of that group.
- (2) In subsection (1)(a) above—
 - “membership”, in relation to a [^{F2}racial or religious group], includes association with members of that group;
 - “presumed” means presumed by the offender.
- (3) It is immaterial for the purposes of paragraph (a) or (b) of subsection (1) above whether or not the offender’s hostility is also based, to any extent, [^{F3}on any other factor not mentioned in that paragraph.]
- (4) In this section “racial group” means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins.
- [^{F4}(5) In this section “religious group” means a group of persons defined by reference to religious belief or lack of religious belief.]

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Disorder Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Annotations:**Amendments (Textual)**

- F1** Words in s. 28(1) and the sidenote substituted (14.12.2001) by 2001 c. 24, **ss. 39(3)(a)**, 127(2) (with s. 42)
- F2** Words in s. 28(1)(2) substituted (14.12.2001) by 2001 c. 24, **ss. 39(3)(b)**, 127(2) (with s. 42)
- F3** Words in s. 28(3) substituted (14.12.2001) for s. 28(3)(a)(b) by 2001 c. 24, **ss. 39(3)(c)**, 127(2) (with s. 42)
- F4** S. 28(5) inserted (14.12.2001) by 2001 c. 24, **ss. 39(4)**, 127(2) (with s. 42)

Modifications etc. (not altering text)

- C1** S. 28 applied (25.8.2000) by 2000 c. 6, **ss. 153(3)**, 168(1)

Commencement Information

- I1** S. 28 wholly in force; S. 28 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)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Disorder Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- s. 28 applied by 2003 c. 44 s. 145(3)
- s. 28 applied by 2003 c. 44 Sch. 21 para. 2
- s. 28 applied by 2006 c. 52 s. 240(4)
- s. 28(2) applied by 2003 c. 38 s. 47(2)
- s. 51-51E substituted for s. 51 by 2003 c. 44 Sch. 3 Pt. 1 para. 18

Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

- Act modified by 2008 c. 1 s. 29
- Blanket Amendment words substituted by 2005 c. 4 Sch. 11 para. 1(2)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 3A substituted for s. 57 by 2006 c. 48 s. 45
- Pt. 3A title text amended by 2009 c. 25 s. 109(3)
- s. 1B by 2002 c. 30 s. 63
- s. 1B(3A)-(3C) inserted by 2003 c. 38 s. 85(5)
- s. 1B(5) text amended by 2003 c. 38 s. 85(6)
- s. 1B(8)(9) inserted by 2008 c. 4 s. 124(6)
- s. 1F inserted by 2005 c. 15 s. 142(1)
- s. 1G 1H inserted by 2005 c. 17 s. 20(1)
- s. 1I inserted by 2005 c. 15 s. 143
- s. 1I(3)(a) text amended by 2009 c. 25 Sch. 21 para. 72(a)
- s. 1I(3)(b) text amended by 2009 c. 25 Sch. 21 para. 72(b)
- s. 1I(3)(c) repealed by 2009 c. 25 Sch. 23 Pt. 3
- s. 1I(3)(ca) inserted by 2009 c. 25 Sch. 21 para. 72(c)
- s. 1J 1K inserted by 2008 c. 4 s. 123(1)
- s. 1AA 1AB inserted by 2003 c. 44 s. 322
- s. 1AA text amended by 2008 c. 4 s. 124(1)
- s. 1AA(3)(a) text amended by 2008 c. 4 s. 124(2)
- s. 1AA(5) text amended by 2008 c. 4 s. 124(3)
- s. 1AA(9) text amended by 2004 c. 31 Sch. 5 Pt. 4
- s. 1AA(10)(a) text amended by 2004 c. 31 Sch. 5 Pt. 4
- s. 1AA(10)(b) amendment to earlier affecting provision 2003 c. 44 s. 322 by 2004 c. 31 Sch. 2 para. 8
- s. 1AB(5A) inserted by 2008 c. 4 s. 124(5)
- s. 1CA inserted by 2005 c. 15 s. 140(4)
- s. 8A inserted by 2010 c. 17 s. 41(3)
- s. 13A-13E inserted by 2005 c. 15 Sch. 10 para. 2
- s. 17A inserted by 2006 c. 48 Sch. 9 para. 5
- s. 22A inserted by 2003 asp 7 s. 83
- s. 22A repealed by 2004 asp 8 Sch. 5
- s. 39A inserted by 2009 c. 22 s. 51
- s. 50A inserted by 2003 c. 44 Sch. 3 Pt. 1 para. 17
- s. 51A(12)(a) text amended by 2006 c. 38 Sch. 1 para. 5 Sch. 5
- s. 51A(12)(c) and word inserted by 2006 c. 38 Sch. 1 para. 5
- s. 51B(9)(c) substituted for s. 51B(9)(c)(d) by 2005 c. 11 Sch. 4 para. 69
- s. 51C(3)(e) modified by 2007 c. 27 Sch. 6 para. 36
- s. 52A 52B inserted by 2003 c. 44 Sch. 3 Pt. 1 para. 19(1)
- s. 57A(1)(a) text amended by 2009 c. 25 s. 109(2)(a)(i)

- s. 57A(1)(b) text amended by 2009 c. 25 s. 109(2)(a)(ii)
- s. 57A(3) inserted by 2009 c. 25 s. 109(2)(b)
- s. 57B(7) added by 2009 c. 25 s. 106(2)
- s. 57C(6A) inserted by 2009 c. 25 s. 106(3)(a)
- s. 57C(7) repealed by 2009 c. 25 s. 106(3)(b) Sch. 23 Pt. 3
- s. 57C(8) text amended by 2009 c. 25 s. 106(3)(c) Sch. 23 Pt. 3
- s. 57C(9)(a) and word repealed by 2009 c. 25 s. 106(3)(d) Sch. 23 Pt. 3
- s. 57D(2)(b) repealed by 2009 c. 25 s. 106(4)(a)(i) Sch. 23 Pt. 3
- s. 57D(2)(c) text amended by 2009 c. 25 s. 106(4)(a)(ii)
- s. 57D(3)(a) and word repealed by 2009 c. 25 s. 106(4)(b) Sch. 23 Pt. 3
- s. 57E applied by 2005 c. 15 s. 75A (as inserted) by 2006 c. 48 Sch. 14 para. 62
- s. 57E(5)(a) and word repealed by 2009 c. 25 s. 106(5)(a) Sch. 23 Pt. 3
- s. 57E(7)(a) and word repealed by 2009 c. 25 s. 106(7)(a) Sch. 23 Pt. 3
- s. 57F inserted by 2009 c. 25 s. 109(1)
- s. 66A-66H inserted by 2008 c. 4 Sch. 9 para. 3

Commencement Orders yet to be applied to the Crime and Disorder Act 1998:

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/120 art. 2 Sch. commences (2002 c. 29)
- S.I. 2003/333 art. 2 commences (2002 c. 29)
- S.I. 2003/525 art. 2 commences (2002 c. 30)
- S.I. 2003/708 art. 2 commences (2001 c. 16)
- S.I. 2003/808 art. 2 commences (2002 c. 30)
- S.I. 2003/3103 art. 2 commences (2003 c. 41)
- S.I. 2003/3300 art. 2-4 commences (2003 c. 38)
- S.I. 2004/81 art. 2-5 commences (2003 c. 44)
- S.I. 2004/119 art. 2 commences (2002 c. 30)
- S.I. 2004/690 art. 2-4 commences (2003 c. 38)
- S.I. 2004/829 art. 2-4 commences (2003 c. 44)
- S.I. 2004/874 art. 2 commences (2003 c. 42)
- S.I. 2004/913 art. 2 3 commences (2002 c. 30)
- S.I. 2004/999 art. 2 commences (2003 c. 38)
- S.I. 2004/1572 art. 2 3 commences (2003 c. 20)
- S.I. 2004/2168 art. 2-5 commences (2003 c. 38)
- S.I. 2004/2304 art. 2 commences (2004 c. 21)
- S.I. 2004/2917 art. 2 commences (2004 c. 21)
- S.I. 2004/3033 art. 2-4 commences (2003 c. 44)
- S.I. 2005/394 art. 2 commences (2004 c. 31)
- S.I. 2005/950 art. 2-4 commences (2003 c. 44)
- S.I. 2005/1126 art. 2 commences (2005 c. 11)
- S.I. 2005/1521 art. 2-4 commences (2005 c. 15)
- S.I. 2005/2122 art. 2 amendment to earlier commencing SI 2005/950 Sch. 2 para. 23
- S.I. 2005/3495 art. 2 commences (2005 c. 15)
- S.I. 2006/378 art. 2-7 Sch. commences (2005 c. 15)
- S.I. 2006/835 art. 2 amendment to earlier commencing SI 2004/2168 art. 4(1)
- S.I. 2006/885 art. 2 commences (2004 c. 31)
- S.I. 2006/1014 art. 2 Sch. 1 2 commences (2005 c. 4)
- S.I. 2006/1278 art. 2 commences (2003 c. 38)
- S.I. 2006/1835 art. 2 commences (2003 c. 44)
- S.I. 2006/1871 art. 2 commences (2005 c. 15)
- S.I. 2006/2136 art. 2 commences (2005 c. 17)
- S.I. 2006/2491 art. 2 commences (2006 c. 9)
- S.I. 2006/3364 art. 2 commences (2006 c. 48)
- S.I. 2007/709 art. 2-4 commences (2006 c. 48)
- S.I. 2007/858 art. 2 3 commences (2006 c. 38)
- S.I. 2007/1614 art. 2 3 commences (2006 c. 48)

- [S.I. 2007/1801 art. 2-4 commences \(2006 c. 40\)](#)
- [S.I. 2007/3001 art. 2 commences \(2007 c. 21\)](#)
- [S.I. 2007/3073 art. 2 commences \(2006 c. 48\)](#)
- [S.I. 2007/3251 art. 2 commences \(2006 c. 48\)](#)
- [S.I. 2008/504 art. 2-4 commences \(2007 c. 21\)](#)
- [S.I. 2008/791 art. 2 3 commences \(2006 c. 38\)](#)
- [S.I. 2008/2504 art. 2 commences \(2007 c. 27\)](#)
- [S.I. 2008/2785 art. 2 3 commences \(2006 c. 48\)](#)
- [S.I. 2009/140 art. 2 commences \(2008 c. 4\)](#)
- [S.I. 2009/812 art. 3 commences \(2006 c. 52\)](#)
- [S.I. 2009/860 art. 2 commences \(2008 c. 4\)](#)
- [S.I. 2009/936 art. 2 commences \(2006 c. 48\)](#)
- [S.I. 2009/1059 Order transitional provisions for effects of commencing SI 2009/812](#)
- [S.I. 2009/1167 art. 3 4 commences \(2006 c. 52\)](#)
- [S.I. 2009/1604 art. 2 commences \(2005 c. 4\)](#)
- [S.I. 2009/2616 art. 2 commences \(2004 c. 28\)](#)
- [S.I. 2009/2780 art. 2 commences \(2008 c. 4\)](#)
- [S.I. 2009/3074 art. 2 3 commences \(2008 c. 4\)](#)
- [S.I. 2009/3253 art. 2 3 commences \(2009 c. 25\)](#)
- [S.I. 2009/3318 art. 2-4 commences \(2009 c. 20\)](#)
- [S.I. 2010/145 art. 2 Sch. commences \(2009 c. 25\)](#)
- [S.I. 2010/303 art. 2-7 Sch. 1-6 commences \(2009 c. 22\)](#)
- [S.I. 2010/507 art. 2-5 commences \(2009 c. 26\)](#)
- [S.I. 2010/816 art. 2-6 Sch. commences \(2009 c. 25\)](#)
- [S.I. 2010/2543 art. 2 3 commences \(2006 c. 40\)](#)
- [S.I. 2011/829 art. 2 commences \(2009 c. 22\)](#)
- [S.I. 2011/1452 art. 2 commences \(2009 c. 25\)](#)
- [S.I. 2011/2144 art. 2 commences \(2006 c. 48\)](#)
- [S.I. 2011/2148 art. 2 commences \(2009 c. 25\)](#)
- [S.I. 2011/3016 art. 2 commences \(2010 c. 7\)](#)
- [S.I. 2011/3019 art. 3 Sch. 1 Comencement Order](#)
- [S.S.I. 2003/288 art. 2 Sch. commences \(2003 asp 7\)](#)
- [S.S.I. 2004/420 art. 2-4 commences \(2004 asp 8\)](#)
- [S.S.I. 2005/161 art. 2-4 commences \(2003 asp 13\)](#)
- [S.S.I. 2005/375 art. 2 amendment to earlier commencing SSI 2005/161 art. 3](#)
- [S.S.I. 2005/553 art. 2 amendment to earlier commencing SSI 2004/420](#)
- [S.S.I. 2006/104 art. 2 amendment to earlier commencing SSI 2004/420 art. 2](#)
- [S.S.I. 2010/413 art. 2 Sch. commences \(2010 asp 13\)](#)