



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART II

#### CRIMINAL LAW

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

#### **31 [<sup>F1</sup>Racially or religiously aggravated] public order offences.**

- (1) A person is guilty of an offence under this section if he commits—
- (a) an offence under section 4 of the <sup>M1</sup>Public Order Act 1986 (fear or provocation of violence);
  - (b) an offence under section 4A of that Act (intentional harassment, alarm or distress); or
  - (c) an offence under section 5 of that Act (harassment, alarm or distress), which is [<sup>F2</sup>racially or religiously 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—
- (a) he engages in conduct which a constable reasonably suspects to constitute an offence falling within subsection (1)(c) above;
  - (b) he is warned by that constable to stop; and
  - (c) 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—
- (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;

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*Changes to legislation:* There are outstanding changes not yet made by the [legislation.gov.uk](http://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)

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- (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.

#### Annotations:

##### Amendments (Textual)

- F1** Words in the sidenote to s. 31 substituted (14.12.2001) by [2001 c. 24, ss. 39\(5\)\(a\)\(6\)\(c\)](#) (with s. 42)
- F2** Words in [s. 31\(1\)](#) substituted (14.12.2001) by [2001 c. 24, ss. 39\(5\)\(b\)\(6\)\(c\)](#) (with s. 42)

##### Commencement Information

- I1** [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](#).

**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. 31(2)(3) repealed by 2005 c. 15 Sch. 7 para. 34 Sch. 17
- 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 \(2010 asp 13\)](#)