

Changes to legislation: Criminal Justice and Immigration Act 2008, SCHEDULE 16 is up to date with all changes known to be in force on or before 16 February 2019. 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)

SCHEDULES

SCHEDULE 16

Section 74

HATRED ON THE GROUNDS OF SEXUAL ORIENTATION

- 1 Part 3A of the Public Order Act 1986 (c. 64) (hatred against persons on religious grounds) has effect subject to the following amendments.

Annotations:

Commencement Information

I1 Sch. 16 para. 1 in force at 23.3.2010 by S.I. 2010/712, art. 2(d)

- 2 In the heading for Part 3A at the end insert “OR GROUNDS OF SEXUAL ORIENTATION”.

Annotations:

Commencement Information

I2 Sch. 16 para. 2 in force at 23.3.2010 by S.I. 2010/712, art. 2(d)

- 3 In the italic cross-heading before section 29A at the end insert “*and “hatred on the grounds of sexual orientation”*”.

Annotations:

Commencement Information

I3 Sch. 16 para. 3 in force at 23.3.2010 by S.I. 2010/712, art. 2(d)

- 4 After that section insert—

“29AB Meaning of “hatred on the grounds of sexual orientation”

In this Part “hatred on the grounds of sexual orientation” means hatred against a group of persons defined by reference to sexual orientation (whether towards persons of the same sex, the opposite sex or both).”

Annotations:

Commencement Information

I4 Sch. 16 para. 4 in force at 23.3.2010 by S.I. 2010/712, art. 2(d)

- 5 In the italic cross-heading before section 29B at the end insert “*or hatred on the grounds of sexual orientation”*”.

Changes to legislation: Criminal Justice and Immigration Act 2008, SCHEDULE 16 is up to date with all changes known to be in force on or before 16 February 2019. 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)

Annotations:

Commencement Information

I5 Sch. 16 para. 5 in force at 23.3.2010 by S.I. 2010/712, art. 2(d)

- 6 (1) Section 29B (use of words or behaviour or display of written material) is amended as follows.
- (2) In subsection (1), after “religious hatred” insert “ or hatred on the grounds of sexual orientation ”.
- (3) Omit subsection (3).

Annotations:

Commencement Information

I6 Sch. 16 para. 6(3) in force at Royal Assent, see s. 153(1)(j)

I7 Sch. 16 para. 6(1) (2) in force at 23.3.2010 by S.I. 2010/712, art. 2(d)

- 7 In section 29C(1) (publishing or distributing written material), after “religious hatred” insert “ or hatred on the grounds of sexual orientation ”.

Annotations:

Commencement Information

I8 Sch. 16 para. 7 in force at 23.3.2010 by S.I. 2010/712, art. 2(d)

- 8 In section 29D(1) (public performance of play), after “religious hatred” insert “ or hatred on the grounds of sexual orientation ”.

Annotations:

Commencement Information

I9 Sch. 16 para. 8 in force at 23.3.2010 by S.I. 2010/712, art. 2(d)

- 9 In section 29E(1) (distributing, showing or playing a recording), after “religious hatred” insert “ or hatred on the grounds of sexual orientation ”.

Annotations:

Commencement Information

I10 Sch. 16 para. 9 in force at 23.3.2010 by S.I. 2010/712, art. 2(d)

- 10 In section 29F(1) (broadcasting or including programme in programme service), after “religious hatred” insert “ or hatred on the grounds of sexual orientation ”.

Annotations:

Commencement Information

I11 Sch. 16 para. 10 in force at 23.3.2010 by S.I. 2010/712, art. 2(d)

Changes to legislation: Criminal Justice and Immigration Act 2008, SCHEDULE 16 is up to date with all changes known to be in force on or before 16 February 2019. 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)

- 11 In section 29G(1) (possession of inflammatory material), for “religious hatred to be stirred up thereby” substitute “ thereby to stir up religious hatred or hatred on the grounds of sexual orientation ”.

Annotations:

Commencement Information

I12 Sch. 16 para. 11 in force at 23.3.2010 by S.I. 2010/712, art. 2(d)

- 12 (1) Section 29H (powers of entry and search) is amended as follows.
- (2) In subsection (1), omit “in England and Wales”.
- (3) Omit subsection (2).
- 13 (1) Section 29I (power to order forfeiture) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a), omit “in the case of an order made in proceedings in England and Wales,”; and
- (b) omit paragraph (b).
- (3) Omit subsection (4).
- 14 After section 29J insert—

“29JA Protection of freedom of expression (sexual orientation)

In this Part, for the avoidance of doubt, the discussion or criticism of sexual conduct or practices or the urging of persons to refrain from or modify such conduct or practices shall not be taken of itself to be threatening or intended to stir up hatred.”

- 15 In section 29K(1) (savings for reports of parliamentary or judicial proceedings), for “or in the Scottish Parliament” substitute “ , in the Scottish Parliament or in the National Assembly for Wales ”.
- 16 (1) Section 29L (procedure and punishment) is amended as follows.
- (2) In subsections (1) and (2), omit “in England and Wales”.
- (3) In subsection (3), in paragraph (b), for “six months” substitute “ 12 months ”.
- (4) After that subsection insert—
- “(4) In subsection (3)(b) the reference to 12 months shall be read as a reference to 6 months in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003.”
- 17 In section 29N (interpretation), after the definition of “dwelling” insert—
- ““hatred on the grounds of sexual orientation” has the meaning given by section 29AB;”.

Changes to legislation: *Criminal Justice and Immigration Act 2008, SCHEDULE 16 is up to date with all changes known to be in force on or before 16 February 2019. 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)*

Annotations:

Commencement Information

I13 Sch. 16 para. 17 in force at 23.3.2010 by S.I. 2010/712, art. 2(d)

Changes to legislation:

Criminal Justice and Immigration Act 2008, SCHEDULE 16 is up to date with all changes known to be in force on or before 16 February 2019. 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.

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

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

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)