

## 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.
- 2 In the heading for Part 3A at the end insert “OR GROUNDS OF SEXUAL ORIENTATION”.
- 3 In the italic cross-heading before section 29A at the end insert “*and “hatred on the grounds of sexual orientation”*”.
- 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).”

- 5 In the italic cross-heading before section 29B at the end insert “*or hatred on the grounds of sexual orientation*”.
- 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).
- 7 In section 29C(1) (publishing or distributing written material), after “religious hatred” insert “or hatred on the grounds of sexual orientation”.
- 8 In section 29D(1) (public performance of play), after “religious hatred” insert “or hatred on the grounds of sexual orientation”.
- 9 In section 29E(1) (distributing, showing or playing a recording), after “religious hatred” insert “or hatred on the grounds of sexual orientation”.
- 10 In section 29F(1) (broadcasting or including programme in programme service), after “religious hatred” insert “or hatred on the grounds of sexual orientation”.
- 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”.
- 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).

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*Status: This is the original version (as it was originally enacted).*

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- 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;”.