Public Order Act 1986

1986 CHAPTER 64

PART I

NEW OFFENCES

1 Riot.

(1) Where 12 or more persons who are present together use or threaten unlawful violence for a common purpose and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety, each of the persons using unlawful violence for the common purpose is guilty of riot.

(2) It is immaterial whether or not the 12 or more use or threaten unlawful violence simultaneously.

(3) The common purpose may be inferred from conduct.

(4) No person of reasonable firmness need actually be, or be likely to be, present at the scene.

(5) Riot may be committed in private as well as in public places.

(6) A person guilty of riot is liable on conviction on indictment to imprisonment for a term not exceeding ten years or a fine or both.

2 Violent disorder.

(1) Where 3 or more persons who are present together use or threaten unlawful violence and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety, each of the persons using or threatening unlawful violence is guilty of violent disorder.

(2) It is immaterial whether or not the 3 or more use or threaten unlawful violence simultaneously.

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(3) No person of reasonable firmness need actually be, or be likely to be, present at the scene.

(4) Violent disorder may be committed in private as well as in public places.

(5) A person guilty of violent disorder is liable on conviction on indictment to imprisonment for a term not exceeding 5 years or a fine or both, or on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.

3 Affray.

(1) A person is guilty of affray if he uses or threatens unlawful violence towards another and his conduct is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety.

(2) Where 2 or more persons use or threaten the unlawful violence, it is the conduct of them taken together that must be considered for the purposes of subsection (1).

(3) For the purposes of this section a threat cannot be made by the use of words alone.

(4) No person of reasonable firmness need actually be, or be likely to be, present at the scene.

(5) Affray may be committed in private as well as in public places.

(6) [F1] . . . . . .

(7) A person guilty of affray is liable on conviction on indictment to imprisonment for a term not exceeding 3 years or a fine or both, or on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.

Textual Amendments

F1 S. 3(6) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 174(2), 178(8), Sch. 7 para. 26(2), **Sch 17 Pt. 2**; S.I. 2005/3495, **art. 2(m)(u)(xxvi)**

4 Fear or provocation of violence.

(1) A person is guilty of an offence if he—

(a) uses towards another person threatening, abusive or insulting words or behaviour, or

(b) distributes or displays to another person any writing, sign or other visible representation which is threatening, abusive or insulting,

with intent to cause that person to believe that immediate unlawful violence will be used against him or another by any person, or to provoke the immediate use of unlawful violence by that person or another, or whereby that person is likely to believe that such violence will be used or it is likely that such violence will be provoked.

(2) An offence under this section may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing,

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sign or other visible representation is distributed or displayed, by a person inside a dwelling and the other person is also inside that or another dwelling.

(3) [F2]. . . . . .

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or both.

Textual Amendments

F2 S. 4(3) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 174(2), 178(8), Sch. 7 para. 26(3), **Sch 17 Pt. 2**; S.I. 2005/3495, **art. 2(m)(u)(xxvi)**

[[F3]4A Intentional harassment, alarm or distress.

(1) A person is guilty of an offence if, with intent to cause a person harassment, alarm or distress, he—

(a) uses threatening, abusive or insulting words or behaviour, or disorderly behaviour, or

(b) displays any writing, sign or other visible representation which is threatening, abusive or insulting,

thereby causing that or another person harassment, alarm or distress.

(2) An offence under this section may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is displayed, by a person inside a dwelling and the person who is harassed, alarmed or distressed is also inside that or another dwelling.

(3) It is a defence for the accused to prove—

(a) that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the writing, sign or other visible representation displayed, would be heard or seen by a person outside that or any other dwelling, or

(b) that his conduct was reasonable.

(4) [F4]. . . . . .

(5) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale or both.**]**

Textual Amendments

F3 S. 4A inserted (3.2.1995) by 1994 c. 33, **s. 154**; S.I. 1995/127, art. 2, **Sch. 1**

F4 S. 4A(4) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 174(2), 178(8), Sch. 7 para. 26(4), **Sch 17 Pt. 2**; S.I. 2005/3495, **art. 2(m)(u)(xxvi)**

5 Harassment, alarm or distress.

(1) A person is guilty of an offence if he—

(a) uses threatening **[**[F5]or abusive**]** words or behaviour, or disorderly behaviour, or

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(b) displays any writing, sign or other visible representation which is threatening **[**[F5]or abusive**]**,

within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby.

(2) An offence under this section may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is displayed, by a person inside a dwelling and the other person is also inside that or another dwelling.

(3) It is a defence for the accused to prove—

(a) that he had no reason to believe that there was any person within hearing or sight who was likely to be caused harassment, alarm or distress, or

(b) that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the writing, sign or other visible representation displayed, would be heard or seen by a person outside that or any other dwelling, or

(c) that his conduct was reasonable.

(4) [F6]. . . . . .

(5) [F6]. . . . . .

(6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

F5 Words in s. 5(1) substituted (1.2.2014) by Crime and Courts Act 2013 (c. 22), **ss. 57(2)**, 61(2); S.I. 2013/2981, art. 3

F6 S. 5(4)(5) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 174(2), 178(8), Sch. 7 para. 26(5), **Sch 17 Pt. 2**; S.I. 2005/3495, **art. 2(m)(u)(xxvi)**

6 Mental element: miscellaneous.

(1) A person is guilty of riot only if he intends to use violence or is aware that his conduct may be violent.

(2) A person is guilty of violent disorder or affray only if he intends to use or threaten violence or is aware that his conduct may be violent or threaten violence.

(3) A person is guilty of an offence under section 4 only if he intends his words or behaviour, or the writing, sign or other visible representation, to be threatening, abusive or insulting, or is aware that it may be threatening, abusive or insulting.

(4) A person is guilty of an offence under section 5 only if he intends his words or behaviour, or the writing, sign or other visible representation, to be threatening **[**[F7]or abusive**]**, or is aware that it may be threatening **[**[F7]or abusive**]** or (as the case may be) he intends his behaviour to be or is aware that it may be disorderly.

(5) For the purposes of this section a person whose awareness is impaired by intoxication shall be taken to be aware of that of which he would be aware if not intoxicated, unless he shows either that his intoxication was not self-induced or that it was caused solely by the taking or administration of a substance in the course of medical treatment.

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(6) In subsection (5) "intoxication" means any intoxication, whether caused by drink, drugs or other means, or by a combination of means.

(7) Subsections (1) and (2) do not affect the determination for the purposes of riot or violent disorder of the number of persons who use or threaten violence.

Textual Amendments

F7 Words in s. 6(4) substituted (1.2.2014) by Crime and Courts Act 2013 (c. 22), **ss. 57(3)**, 61(2); S.I. 2013/2981, art. 3

7 Procedure: miscellaneous.

(1) No prosecution for an offence of riot or incitement to riot may be instituted except by or with the consent of the Director of Public Prosecutions.

(2) For the purposes of the rules against charging more than one offence in the same count or information, each of sections 1 to 5 creates one offence.

(3) If on the trial on indictment of a person charged with violent disorder or affray the jury find him not guilty of the offence charged, they may (without prejudice to section 6(3) of the [M1]Criminal Law Act 1967) find him guilty of an offence under section 4.

(4) The Crown Court has the same powers and duties in relation to a person who is by virtue of subsection (3) convicted before it of an offence under section 4 as a magistrates' court would have on convicting him of the offence.

Modifications etc. (not altering text)

C1 S. 7(1) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), **ss. 63(1)**, 94(1), Sch. 6 para. 13 (with Sch. 13 para. 5); S.I. 2008/2504, **art. 2(a)**

Marginal Citations

M1 1967 c. 58.

8 Interpretation.

In this Part—

"dwelling" means any structure or part of a structure occupied as a person's home or as other living accommodation (whether the occupation is separate or shared with others) but does not include any part not so occupied, and for this purpose "structure" includes a tent, caravan, vehicle, vessel or other temporary or movable structure;

"violence" means any violent conduct, so that—

(a) except in the context of affray, it includes violent conduct towards property as well as violent conduct towards persons, and

(b) it is not restricted to conduct causing or intended to cause injury or damage but includes any other violent conduct (for example, throwing at or towards a person a missile of a kind capable of causing injury which does not hit or falls short).

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9 Offences abolished.

(1) The common law offences of riot, rout, unlawful assembly and affray are abolished.

(2) The offences under the following enactments are abolished—

(a) section 1 of the [M2]Tumultuous Petitioning Act 1661 (presentation of petition to monarch or Parliament accompanied by excessive number of persons),

(b) section 1 of the [M3]Shipping Offences Act 1793 (interference with operation of vessel by persons riotously assembled),

(c) section 23 of the [M4]Seditious Meetings Act 1817 (prohibition of certain meetings within one mile of Westminster Hall when Parliament sitting), and

(d) section 5 of the [M5]Public Order Act 1936 (conduct conducive to breach of the peace).

Marginal Citations

M2 1661 c. 5.
M3 1793 c. 67.
M4 1817 c. 19.
M5 1936 c. 6.

10 Construction of other instruments.

[F8](1) . . . . . .

(2) In Schedule 1 to the [M6]Marine Insurance Act 1906 (form and rules for the construction of certain insurance policies) "rioters" in rule 8 and "riot" in rule 10 shall, in the application of the rules to any policy taking effect on or after the coming into force of this section, be construed in accordance with section 1 above unless a different intention appears.

(3) "Riot" and cognate expressions in any enactment in force before the coming into force of this section (other than the enactments mentioned in subsections (1) and (2) above) shall be construed in accordance with section 1 above if they would have been construed in accordance with the common law offence of riot apart from this Part.

(4) Subject to subsections (1) to (3) above and unless a different intention appears, nothing in this Part affects the meaning of "riot" or any cognate expression in any enactment in force, or other instrument taking effect, before the coming into force of this section.

Textual Amendments

F8 S. 10(1) omitted (6.4.2017) by virtue of Riot Compensation Act 2016 (c. 8), **ss. 10(3)(b)**, 12(1)(2); S.I. 2017/379, reg. 2

Marginal Citations

M6 1906 c. 41.

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PART II

PROCESSIONS AND ASSEMBLIES

11 Advance notice of public processions.

(1) Written notice shall be given in accordance with this section of any proposal to hold a public procession intended—

(a) to demonstrate support for or opposition to the views or actions of any person or body of persons,

(b) to publicise a cause or campaign, or

(c) to mark or commemorate an event,

unless it is not reasonably practicable to give any advance notice of the procession.

(2) Subsection (1) does not apply where the procession is one commonly or customarily held in the police area (or areas) in which it is proposed to be held or is a funeral procession organised by a funeral director acting in the normal course of his business.

(3) The notice must specify the date when it is intended to hold the procession, the time when it is intended to start it, its proposed route, and the name and address of the person (or of one of the persons) proposing to organise it.

(4) Notice must be delivered to a police station—

(a) in the police area in which it is proposed the procession will start, or

(b) where it is proposed the procession will start in Scotland and cross into England, in the first police area in England on the proposed route.

(5) If delivered not less than 6 clear days before the date when the procession is intended to be held, the notice may be delivered by post by the recorded delivery service; but section 7 of the [M7]Interpretation Act 1978 (under which a document sent by post is deemed to have been served when posted and to have been delivered in the ordinary course of post) does not apply.

(6) If not delivered in accordance with subsection (5), the notice must be delivered by hand not less than 6 clear days before the date when the procession is intended to be held or, if that is not reasonably practicable, as soon as delivery is reasonably practicable.

(7) Where a public procession is held, each of the persons organising it is guilty of an offence if—

(a) the requirements of this section as to notice have not been satisfied, or

(b) the date when it is held, the time when it starts, or its route, differs from the date, time or route specified in the notice.

(8) It is a defence for the accused to prove that he did not know of, and neither suspected nor had reason to suspect, the failure to satisfy the requirements or (as the case may be) the difference of date, time or route.

(9) To the extent that an alleged offence turns on a difference of date, time or route, it is a defence for the accused to prove that the difference arose from circumstances beyond his control or from something done with the agreement of a police officer or by his direction.

(10) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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Marginal Citations

M7 1978 c. 30.

12 Imposing conditions on public processions.

(1) If the senior police officer, having regard to the time or place at which and the circumstances in which any public procession is being held or is intended to be held and to its route or proposed route, reasonably believes that—

(a) it may result in serious public disorder, serious damage to property or serious disruption to the life of the community, or

(b) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do,

he may give directions imposing on the persons organising or taking part in the procession such conditions as appear to him necessary to prevent such disorder, damage, disruption or intimidation, including conditions as to the route of the procession or prohibiting it from entering any public place specified in the directions.

(2) In subsection (1) "the senior police officer" means—

(a) in relation to a procession being held, or to a procession intended to be held in a case where persons are assembling with a view to taking part in it, the most senior in rank of the police officers present at the scene, and

(b) in relation to a procession intended to be held in a case where paragraph (a) does not apply, the chief officer of police.

(3) A direction given by a chief officer of police by virtue of subsection (2)(b) shall be given in writing.

(4) A person who organises a public procession and knowingly fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.

(5) A person who takes part in a public procession and knowingly fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.

(6) A person who incites another to commit an offence under subsection (5) is guilty of an offence.

(7) [F9] . . . . . .

(8) A person guilty of an offence under subsection (4) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(9) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) A person guilty of an offence under subsection (6) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both [F10] . . . .

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(11) In Scotland this section applies only in relation to a procession being held, and to a procession intended to be held in a case where persons are assembling with a view to taking part in it.

Textual Amendments

F9 S. 12(7) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 174(2), 178(8), Sch. 7 para. 26(6), **Sch 17 Pt. 2**; S.I. 2005/3495, **art. 2(m)(u)(xxvi)**

F10 Words in s. 12(10) omitted (E.W.) (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(2), 94(1), **Sch. 6 para. 58(3)(a)** (with Sch. 13 para. 5); S.I. 2008/2504, **art. 2(a)**

13 Prohibiting public processions.

(1) If at any time the chief officer of police reasonably believes that, because of particular circumstances existing in any district or part of a district, the powers under section 12 will not be sufficient to prevent the holding of public processions in that district or part from resulting in serious public disorder, he shall apply to the council of the district for an order prohibiting for such period not exceeding 3 months as may be specified in the application the holding of all public processions (or of any class of public procession so specified) in the district or part concerned.

(2) On receiving such an application, a council may with the consent of the Secretary of State make an order either in the terms of the application or with such modifications as may be approved by the Secretary of State.

(3) Subsection (1) does not apply in the City of London or the metropolitan police district.

(4) If at any time the Commissioner of Police for the City of London or the Commissioner of Police of the Metropolis reasonably believes that, because of particular circumstances existing in his police area or part of it, the powers under section 12 will not be sufficient to prevent the holding of public processions in that area or part from resulting in serious public disorder, he may with the consent of the Secretary of State make an order prohibiting for such period not exceeding 3 months as may be specified in the order the holding of all public processions (or of any class of public procession so specified) in the area or part concerned.

(5) An order made under this section may be revoked or varied by a subsequent order made in the same way, that is, in accordance with subsections (1) and (2) or subsection (4), as the case may be.

(6) Any order under this section shall, if not made in writing, be recorded in writing as soon as practicable after being made.

(7) A person who organises a public procession the holding of which he knows is prohibited by virtue of an order under this section is guilty of an offence.

(8) A person who takes part in a public procession the holding of which he knows is prohibited by virtue of an order under this section is guilty of an offence.

(9) A person who incites another to commit an offence under subsection (8) is guilty of an offence.

(10) [F11] . . . . . .

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(11) A person guilty of an offence under subsection (7) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(12) A person guilty of an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(13) A person guilty of an offence under subsection (9) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both [F12]. . . .

Textual Amendments

F11 S. 13(10) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 174(2), 178(8), Sch. 7 para. 26(7), **Sch 17 Pt. 2**; S.I. 2005/3495, **art. 2(m)(u)(xxvi)**

F12 Words in s. 13(13) omitted (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(1)(2), 94(1), **Sch. 6 para. 58(3)(b)** (with Sch. 13 para. 5); S.I. 2008/2504, **art. 2(a)**

14 Imposing conditions on public assemblies.

(1) If the senior police officer, having regard to the time or place at which and the circumstances in which any public assembly is being held or is intended to be held, reasonably believes that—

(a) it may result in serious public disorder, serious damage to property or serious disruption to the life of the community, or

(b) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do,

he may give directions imposing on the persons organising or taking part in the assembly such conditions as to the place at which the assembly may be (or continue to be) held, its maximum duration, or the maximum number of persons who may constitute it, as appear to him necessary to prevent such disorder, damage, disruption or intimidation.

(2) In subsection (1) "the senior police officer" means—

(a) in relation to an assembly being held, the most senior in rank of the police officers present at the scene, and

(b) in relation to an assembly intended to be held, the chief officer of police.

(3) A direction given by a chief officer of police by virtue of subsection (2)(b) shall be given in writing.

(4) A person who organises a public assembly and knowingly fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.

(5) A person who takes part in a public assembly and knowingly fails to comply with a condition imposed under this section is guilty of an offence, but it is a defence for him to prove that the failure arose from circumstances beyond his control.

(6) A person who incites another to commit an offence under subsection (5) is guilty of an offence.

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(7) [F13] . . . . . .

(8) A person guilty of an offence under subsection (4) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(9) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) A person guilty of an offence under subsection (6) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both [F14]. . . .

Textual Amendments

F13 S. 14(7) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 174(2), 178(8), Sch. 7 para. 26(8), **Sch 17 Pt. 2**; S.I. 2005/3495, **art. 2(m)(u)(xxvi)**

F14 Words in s. 14(10) omitted (E.W.) (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(2), 94(1), **Sch. 6 para. 58(3)(c)** (with Sch. 13 para. 5); S.I. 2008/2504, **art. 2(a)**

Modifications etc. (not altering text)

C2 S. 14 excluded (E.W.) (1.8.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 132(6)**, 178(8); S.I. 2005/1521, **art. 4(1)**

[F15 14A Prohibiting trespassory assemblies.

(1) If at any time the chief officer of police reasonably believes that an assembly is intended to be held in any district at a place on land to which the public has no right of access or only a limited right of access and that the assembly—

(a) is likely to be held without the permission of the occupier of the land or to conduct itself in such a way as to exceed the limits of any permission of his or the limits of the public's right of access, and

(b) may result—

(i) in serious disruption to the life of the community, or

(ii) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument,

he may apply to the council of the district for an order prohibiting for a specified period the holding of all trespassory assemblies in the district or a part of it, as specified.

(2) On receiving such an application, a council may—

(a) in England and Wales, with the consent of the Secretary of State make an order either in the terms of the application or with such modifications as may be approved by the Secretary of State; or

(b) in Scotland, make an order in the terms of the application.

(3) Subsection (1) does not apply in the City of London or the metropolitan police district.

(4) If at any time the Commissioner of Police for the City of London or the Commissioner of Police of the Metropolis reasonably believes that an assembly is intended to be held at a place on land to which the public has no right of access or only a limited right of access in his police area and that the assembly—

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(a) is likely to be held without the permission of the occupier of the land or to conduct itself in such a way as to exceed the limits of any permission of his or the limits of the public's right of access, and

(b) may result—

(i) in serious disruption to the life of the community, or

(ii) where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument,

he may with the consent of the Secretary of State make an order prohibiting for a specified period the holding of all trespassory assemblies in the area or a part of it, as specified.

(5) An order prohibiting the holding of trespassory assemblies operates to prohibit any assembly which—

(a) is held on land to which the public has no right of access or only a limited right of access, and

(b) takes place in the prohibited circumstances, that is to say, without the permission of the occupier of the land or so as to exceed the limits of any permission of his or the limits of the public's right of access.

(6) No order under this section shall prohibit the holding of assemblies for a period exceeding 4 days or in an area exceeding an area represented by a circle with a radius of 5 miles from a specified centre.

(7) An order made under this section may be revoked or varied by a subsequent order made in the same way, that is, in accordance with subsection (1) and (2) or subsection (4), as the case may be.

(8) Any order under this section shall, if not made in writing, be recorded in writing as soon as practicable after being made.

(9) In this section and sections 14B and 14C—

"assembly" means an assembly of 20 or more persons;

"land" means land in the open air;

"limited", in relation to a right of access by the public to land, means that their use of it is restricted to use for a particular purpose (as in the case of a highway or road) or is subject to other restrictions;

"occupier" means—

(a) in England and Wales, the person entitled to possession of the land by virtue of an estate or interest held by him; or

(b) in Scotland, the person lawfully entitled to natural possession of the land,

and in subsections (1) and (4) includes the person reasonably believed by the authority applying for or making the order to be the occupier;

"public" includes a section of the public; and

"specified" means specified in an order under this section.

F16 **[** (9A) In relation to Scotland, the references in this section to the public's rights (or limited right) of access do not include any right which the public or any member of the public may have by way of access rights within the meaning of the Land Reform (Scotland) Act 2003 (asp 2).**]**

(10) In relation to Scotland, the references in subsection (1) above to a district and to the council of the district shall be construed—

(a) as respects applications before 1st April 1996, as references to the area of a regional or islands authority and to the authority in question; and

(b) as respects applications on and after that date, as references to a local government area and to the council for that area.

(11) In relation to Wales, the references in subsection (1) above to a district and to the council of the district shall be construed, as respects applications on and after 1st April 1996, as references to a county or county borough and to the council for that county or county borough.**]**

Textual Amendments

F15 S. 14A inserted (3.11.1994) by 1994 c. 33 ss. 70, 172(4)

F16 S. 14A(9A) inserted (S.) (9.2.2005) by Land Reform (Scotland) Act 2003 (asp 2), ss. 99, 100(3), **sch. 2 para. 9** (with s. 100(2)); S.S.I. 2005/17, **art. 2(b)**

[F17 14B Offences in connection with trespassory assemblies and arrest therefor.

(1) A person who organises an assembly the holding of which he knows is prohibited by an order under section 14A is guilty of an offence.

(2) A person who takes part in an assembly which he knows is prohibited by an order under section 14A is guilty of an offence.

(3) In England and Wales, a person who incites another to commit an offence under subsection (2) is guilty of an offence.

[F18(4) A constable in uniform may arrest without a warrant anyone he reasonably suspects to be committing an offence under this section.**]**

(5) A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both.

(6) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) A person guilty of an offence under subsection (3) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both F19. . . .

(8) Subsection (3) above is without prejudice to the application of any principle of Scots Law as respects art and part guilt to such incitement as is mentioned in that subsection.**]**

Textual Amendments

F17 S. 14B inserted (3.11.1994) by 1994 c. 33, **ss. 70**, 172(4)

F18 S. 14B(4) repealed (E.W.) (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 174(2), 178(8), Sch. 7 para. 26(9), **Sch. 17 Pt. 2**; S.I. 2005/3495, **art. 2(m)(u)(xxvi)**

F19 Words in s. 14B(7) omitted (E.W.) (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(2), 94(1), **Sch. 6 para. 58(3)(d)** (with Sch. 13 para. 5); S.I. 2008/2504, **art. 2(a)**

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[F20 14C Stopping persons from proceeding to trespassory assemblies.

(1) If a constable in uniform reasonably believes that a person is on his way to an assembly within the area to which an order under section 14A applies which the constable reasonably believes is likely to be an assembly which is prohibited by that order, he may, subject to subsection (2) below—

(a) stop that person, and

(b) direct him not to proceed in the direction of the assembly.

(2) The power conferred by subsection (1) may only be exercised within the area to which the order applies.

(3) A person who fails to comply with a direction under subsection (1) which he knows has been given to him is guilty of an offence.

[F21(4) A constable in uniform may arrest without a warrant anyone he reasonably suspects to be committing an offence under this section.**]**

(5) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.**]**

Textual Amendments

F20 S. 14C inserted (3.11.1994) by 1994 c. 33, **ss. 71**, 172(4)

F21 S. 14C(4) repealed (E.W.) (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 174(2), 178(8), Sch. 7 para. 26(10), **Sch. 17 Pt. 2**; S.I. 2005/3495, **art. 2(m)(u)(xxvi)**

15 Delegation.

(1) The chief officer of police may delegate, to such extent and subject to such conditions as he may specify, any of his functions under sections 12 to **[**F22 14A**]** to **[**F23 an**]** assistant chief constable; and references in those sections to the person delegating shall be construed accordingly.

(2) Subsection (1) shall have effect in the City of London and the metropolitan police district as if " **[**F23 an**]** assistant chief constable" read "an assistant commissioner of police".

Textual Amendments

F22 Word in s. 15(1) substituted (1.3.1998) by 1994 c. 33, s. 168(2), **Sch. 10 para. 60**; S.I. 1998/277, **art. 3**

F23 Words in s. 15(1) substituted (1.4.1995) by 1994 c. 29, s. 44, **Sch. 5 Pt. II para. 37**; S.I. 1994/3262, art. 4, **Sch.**

16 Interpretation.

In this Part—

"the City of London" means the City as defined for the purposes of the Acts relating to the City of London police;

"the metropolitan police district" means that district as defined in section 76 of the M8 London Government Act 1963;

"public assembly" means an assembly of **[**[F24]2**]** or more persons in a public place which is wholly or partly open to the air;

"public place" means—

(a) any highway, or in Scotland any road within the meaning of the [M9]Roads (Scotland) Act 1984, and

(b) any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

"public procession" means a procession in a public place.

Textual Amendments

F24 S. 16: in definition of "public assembly", reference to "20" substituted (E.W.) (20.1.2004) for reference to "2" by Anti-social Behaviour Act 2003 (c. 38), **ss. 57**, 93(1); S.I. 2003/3300, **art. 2(e)(i)**

Marginal Citations

M8 1963 c. 33.

M9 1984 c. 54.

PART III

RACIAL HATRED

Meaning of "racial hatred"

17 Meaning of "racial hatred".

In this Part "racial hatred" means hatred against a group of persons [F25]. . . defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins.

Textual Amendments

F25 Words in s. 17 repealed (14.12.2001) by 2001 c. 24, ss. 37, 125, 127(2), **Sch. 8 Pt. 4** (with s. 42)

Acts intended or likely to stir up racial hatred

18 Use of words or behaviour or display of written material.

(1) A person who uses threatening, abusive or insulting words or behaviour, or displays any written material which is threatening, abusive or insulting, is guilty of an offence if—

(a) he intends thereby to stir up racial hatred, or

(b) having regard to all the circumstances racial hatred is likely to be stirred up thereby.

(2) An offence under this section may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the written

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material is displayed, by a person inside a dwelling and are not heard or seen except by other persons in that or another dwelling.

(3) [F26] . . . . . .

(4) In proceedings for an offence under this section it is a defence for the accused to prove that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the written material displayed, would be heard or seen by a person outside that or any other dwelling.

(5) A person who is not shown to have intended to stir up racial hatred is not guilty of an offence under this section if he did not intend his words or behaviour, or the written material, to be, and was not aware that it might be, threatening, abusive or insulting.

(6) This section does not apply to words or behaviour used, or written material displayed, solely for the purpose of being included in a programme **[**[F27]included in a programme service**]**.

Textual Amendments

F26 S. 18(3) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 174(2), 178(8), Sch. 7 para. 26(11), **Sch 17 Pt. 2**; S.I. 2005/3495, **art. 2(m)(u)(xxvi)**

F27 Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), **s. 164(2)**

19 Publishing or distributing written material.

(1) A person who publishes or distributes written material which is threatening, abusive or insulting is guilty of an offence if—

(a) he intends thereby to stir up racial hatred, or

(b) having regard to all the circumstances racial hatred is likely to be stirred up thereby.

(2) In proceedings for an offence under this section it is a defence for an accused who is not shown to have intended to stir up racial hatred to prove that he was not aware of the content of the material and did not suspect, and had no reason to suspect, that it was threatening, abusive or insulting.

(3) References in this Part to the publication or distribution of written material are to its publication or distribution to the public or a section of the public.

20 Public performance of play.

(1) If a public performance of a play is given which involves the use of threatening, abusive or insulting words or behaviour, any person who presents or directs the performance is guilty of an offence if—

(a) he intends thereby to stir up racial hatred, or

(b) having regard to all the circumstances (and, in particular, taking the performance as a whole) racial hatred is likely to be stirred up thereby.

(2) If a person presenting or directing the performance is not shown to have intended to stir up racial hatred, it is a defence for him to prove—

(a) that he did not know and had no reason to suspect that the performance would involve the use of the offending words or behaviour, or

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(b) that he did not know and had no reason to suspect that the offending words or behaviour were threatening, abusive or insulting, or

(c) that he did not know and had no reason to suspect that the circumstances in which the performance would be given would be such that racial hatred would be likely to be stirred up.

(3) This section does not apply to a performance given solely or primarily for one or more of the following purposes—

(a) rehearsal,

(b) making a recording of the performance, or

(c) enabling the performance to be **[**[F28]included in a programme service**]**;

but if it is proved that the performance was attended by persons other than those directly connected with the giving of the performance or the doing in relation to it of the things mentioned in paragraph (b) or (c), the performance shall, unless the contrary is shown, be taken not to have been given solely or primarily for the purposes mentioned above.

(4) For the purposes of this section—

(a) a person shall not be treated as presenting a performance of a play by reason only of his taking part in it as a performer,

(b) a person taking part as a performer in a performance directed by another shall be treated as a person who directed the performance if without reasonable excuse he performs otherwise than in accordance with that person's direction, and

(c) a person shall be taken to have directed a performance of a play given under his direction notwithstanding that he was not present during the performance;

and a person shall not be treated as aiding or abetting the commission of an offence under this section by reason only of his taking part in a performance as a performer.

(5) In this section "play" and "public performance" have the same meaning as in the [M10]Theatres Act 1968.

(6) The following provisions of the Theatres Act 1968 apply in relation to an offence under this section as they apply to an offence under section 2 of that Act—

section 9 (script as evidence of what was performed),

section 10 (power to make copies of script),

section 15 (powers of entry and inspection).

Textual Amendments

F28 Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), **s. 164(2)**

Marginal Citations

M10 1968 c. 54.

21 Distributing, showing or playing a recording.

(1) A person who distributes, or shows or plays, a recording of visual images or sounds which are threatening, abusive or insulting is guilty of an offence if—

(a) he intends thereby to stir up racial hatred, or

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(b) having regard to all the circumstances racial hatred is likely to be stirred up thereby.

(2) In this Part "recording" means any record from which visual images or sounds may, by any means, be reproduced; and references to the distribution, showing or playing of a recording are to its distribution, showing or playing of a recording are to its distribution, showing or playing to the public or a section of the public.

(3) In proceedings for an offence under this section it is a defence for an accused who is not shown to have intended to stir up racial hatred to prove that he was not aware of the content of the recording and did not suspect, and had no reason to suspect, that it was threatening, abusive or insulting.

(4) This section does not apply to the showing or playing of a recording solely for the purpose of enabling the recording to be **[**[F29]included in a programme service**]**.

Textual Amendments

F29 Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), **s. 164(2)**

22 Broadcasting or including programme in cable programme service.

(1) If a programme involving threatening, abusive or insulting visual images or sounds is **[**[F30]included in a programme service**]**, each of the persons mentioned in subsection (2) is guilty of an offence if—

(a) he intends thereby to stir up racial hatred, or

(b) having regard to all the circumstances racial hatred is likely to be stirred up thereby.

(2) The persons are—

(a) the person providing the . . . [F31] programme service,

(b) any person by whom the programme is produced or directed, and

(c) any person by whom offending words or behaviour are used.

(3) If the person providing the service, or a person by whom the programme was produced or directed, is not shown to have intended to stir up racial hatred, it is a defence for him to prove that—

(a) he did not know and had no reason to suspect that the programme would involve the offending material, and

(b) having regard to the circumstances in which the programme was **[**[F32]included in a programme service**]**, it was not reasonably practicable for him to secure the removal of the material.

(4) It is a defence for a person by whom the programme was produced or directed who is not shown to have intended to stir up racial hatred to prove that he did not know and had no reason to suspect—

(a) that the programme would be **[**[F32]included in a programme service**]**, or

(b) that the circumstances in which the programme would be . . . [F33]so included would be such that racial hatred would be likely to be stirred up.

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(5) It is a defence for a person by whom offending words or behaviour were used and who is not shown to have intended to stir up racial hatred to prove that he did not know and had no reason to suspect—

(a) that a programme involving the use of the offending material would be **[**[F32]included in a programme service**]**, or

(b) that the circumstances in which a programme involving the use of the offending material would be . . . [F33] so included, or in which a programme . . . [F33] so included would involve the use of the offending material, would be such that racial hatred would be likely to be stirred up.

(6) A person who is not shown to have intended to stir up racial hatred is not guilty of an offence under this section if he did not know, and had no reason to suspect, that the offending material was threatening, abusive or insulting.

(7) . . . . . [F34]

Textual Amendments

F30 Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), **s. 164(3)(a)**

F31 Words repealed by Broadcating Act 1990 (c. 42, SIF 96), ss. 164(3)(b)(i), 203(3), **Sch. 21**

F32 Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), **s. 164(3)(a)**

F33 Words repealed by Broadcasting Act 1990 (c. 42, SIF 96), ss. 164(3)(b)(ii), 203(3), **Sch. 21**

F34 S. 22(7)(8) repealed by Broadcasting Act 1990 (c. 42, SIF 96), ss. 164(3)(b)(iii)(iv), 203(3), **Sch. 21**

Racially inflammatory material

23 Possession of racially inflammatory material.

(1) A person who has in his possession written material which is threatening, abusive or insulting, or a recording of visual images or sounds which are threatening, abusive or insulting, with a view to—

(a) in the case of written material, its being displayed, published, distributed, **[**[F35]or included in a cable programme service**]**, whether by himself or another, or

(b) in the case of a recording, its being distributed, shown, played, **[**[F35]or included in a cable programme service**]**, whether by himself or another,

is guilty of an offence if he intends racial hatred to be stirred up thereby or, having regard to all the circumstances, racial hatred is likely to be stirred up thereby.

(2) For this purpose regard shall be had to such display, publication, distribution, showing, playing, **[**[F36]or inclusion in a programme service**]** as he has, or it may reasonably be inferred that he has, in view.

(3) In proceedings for an offence under this section it is a defence for an accused who is not shown to have intended to stir up racial hatred to prove that he was not aware of the content of the written material or recording and did not suspect, and had no reason to suspect, that it was threatening, abusive or insulting.

(4) . . . . . [F37]

Status: *Point in time view as at 06/04/2017.*
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Textual Amendments

F35 Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), **s. 164(4)(a)**

F36 Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), **s. 164(4)(b)**

F37 S. 23(4) repealed by Broadcasting Act 1990 (c. 42, SIF 96), ss. 164(4)(c), 203(3), **Sch. 21**

24 Powers of entry and search.

(1) If in England and Wales a justice of the peace is satisfied by information on oath laid by a constable that there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of section 23, the justice may issue a warrant under his hand authorising any constable to enter and search the premises where it is suspected the material or recording is situated.

(2) If in Scotland a sheriff or justice of the peace is satisfied by evidence on oath that there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of section 23, the sheriff or justice may issue a warrant authorising any constable to enter and search the premises where it is suspected the material or recording is situated.

(3) A constable entering or searching premises in pursuance of a warrant issued under this section may use reasonable force if necessary.

(4) In this section "premises" means any place and, in particular, includes—

(a) any vehicle, vessel, aircraft or hovercraft,

(b) any offshore installation as defined in section 1(3) (b) of the [M11]Mineral Workings (Offshore Installations) Act 1971, and

(c) any tent or movable structure.

Marginal Citations

M11 1971 c. 61.

25 Power to order forfeiture.

(1) A court by or before which a person is convicted of—

(a) an offence under section 18 relating to the display of written material, or

(b) an offence under section 19, 21 or 23,

shall order to be forfeited any written material or recording produced to the court and shown to its satisfaction to be written material or a recording to which the offence relates.

(2) An order made under this section shall not take effect—

(a) in the case of an order made in proceedings in England and Wales, until the expiry of the ordinary time within which an appeal may be instituted or, where an appeal is duly instituted, until it is finally decided or abandoned;

(b) in the case of an order made in proceedings in Scotland, until the expiration of the time within which, by virtue of any statute, an appeal may be instituted or, where such an appeal is duly instituted, until the appeal is finally decided or abandoned.

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(3) For the purposes of subsection (2)(a)—

(a) an application for a case stated or for leave to appeal shall be treated as the institution of an appeal, and

(b) where a decision on appeal is subject to a further appeal, the appeal is not finally determined until the expiry of the ordinary time within which a further appeal may be instituted or, where a further appeal is duly instituted, until the further appeal is finally decided or abandoned.

(4) For the purposes of subsection (2)(b) the lodging of an application for a stated case or note of appeal against sentence shall be treated as the institution of an appeal.

Supplementary provisions

26 Savings for reports of parliamentary or judicial proceedings.

(1) Nothing in this Part applies to a fair and accurate report of proceedings in Parliament **[**[F38]or in the Scottish Parliament**]**[[F39]or in the National Assembly for Wales**]**.

(2) Nothing in this Part applies to a fair and accurate report of proceedings publicly heard before a court or tribunal exercising judicial authority where the report is published contemporaneously with the proceedings or, if it is not reasonably practicable or would be unlawful to publish a report of them contemporaneously, as soon as publication is reasonably practicable and lawful.

Textual Amendments

F38 Words in s. 26 inserted (6.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 24** (with s 126(3)-(11); S.I. 1998/3178, art. 2, **Sch. 3**

F39 Words in s. 26(1) inserted by Government of Wales Act 2006 (c. 32), s. 160(1), **Sch. 10 para. 19**, the amending provision coming into force immediately after the 2007 election (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of the initial period (which ended with the day of the first appointment of a First Minister on 25.5.2007) see ss. 46, 161(1)(4)(5) of the amending Act).

27 Procedure and punishment.

(1) No proceedings for an offence under this Part may be instituted in England and Wales except by or with the consent of the Attorney General.

(2) For the purposes of the rules in England and Wales against charging more than one offence in the same count or information, each of sections 18 to 23 creates one offence.

(3) A person guilty of an offence under this Part is liable—

(a) on conviction on indictment to imprisonment for a term not exceeding **[**[F40]seven years**]** or a fine or both;

(b) on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

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Textual Amendments

F40 Words in s. 27(3) substituted (14.12.2001) by 2001 c. 24, **ss. 40**, 127(2) (with s. 42)

28 Offences by corporations.

(1) Where a body corporate is guilty of an offence under this Part and it is shown that the offence was committed with the consent or connivance of a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as it applies to a director.

29 Interpretation.

In this Part—

. . . . . [F41]

. . . . . [F41]

"distribute", and related expressions, shall be construed in accordance with section 19(3) (written material) and section 21(2) (recordings);

"dwelling" means any structure or part of a structure occupied as a person's home or other living accommodation (whether the occupation is separate or shared with others) but does not include any part not so occupied, and for this purpose "structure" includes a tent, caravan, vehicle, vessel or other temporary or movable structure;

"programme" means any item which is **[**[F42]included in a programme service**]**;

[[F43]"programme service" has the same meaning as in the Broadcasting Act 1990;**]**

"publish", and related expressions, in relation to written material, shall be construed in accordance with section 19 (3);

"racial hatred" has the meaning given by section 17;

"recording" has the meaning given by section 21(2), and "play" and "show", and related expressions, in relation to a recording, shall be construed in accordance with that provision;

"written material" includes any sign or other visible representation.

Textual Amendments

F41 Definitions repealed by Broadcasting Act 1990 (c. 42, SIF 96), ss. 164(5)(a), 203(3), **Sch. 21**

F42 Words substituted by Broadcasting Act 1990 (c. 42, SIF 96), **s. 164(5)(b)**

F43 Definition inserted by Broadcasting Act 1990 (c. 42, SIF 96), **s. 164(5)(c)**

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[F44 PART 3A

HATRED AGAINST PERSONS ON RELIGIOUS GROUNDS [F45 OR GROUNDS OF SEXUAL ORIENTATION]

Textual Amendments

F44 Pt. 3A inserted (E.W.) (1.10.2007 except so far as relating to the insertion of ss. 29B(3), 29H(2), 29I(2)(b)(4)) by Racial and Religious Hatred Act 2006 (c. 1), ss. 1, 3(2), **Sch.**; S.I. 2007/2490, **art. 2**

F45 Words in Pt. 3A heading inserted (23.3.2010) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 153(7), **Sch. 16 para. 2**; S.I. 2010/712, **art. 2(d)**

Meaning of "religious hatred" [F46 and "hatred on the grounds of sexual orientation"]

Textual Amendments

F46 Words in cross-heading preceding s. 29A inserted (23.3.2010) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 153(7), **Sch. 16 para. 3**; S.I. 2010/712, **art. 2(d)**

29A Meaning of "religious hatred"

In this Part "religious hatred" means hatred against a group of persons defined by reference to religious belief or lack of religious belief.

[F47 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).]

Textual Amendments

F47 S. 29AB inserted (23.3.2010) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 153(7), **Sch. 16 para. 4**; S.I. 2010/712, **art. 2(d)**

Acts intended to stir up religious hatred [F48 or hatred on the grounds of sexual orientation]

Textual Amendments

F48 Words in cross-heading preceding s. 29B inserted (23.3.2010) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 153(7), **Sch. 16 para. 5**; S.I. 2010/712, **art. 2(d)**

29B Use of words or behaviour or display of written material

(1) A person who uses threatening words or behaviour, or displays any written material which is threatening, is guilty of an offence if he intends thereby to stir up religious hatred [F49 or hatred on the grounds of sexual orientation].

Status: *Point in time view as at 06/04/2017.*
Changes to legislation: *Public Order Act 1986 is up to date with all changes known to be in force on or before 01 October 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)*

(2) An offence under this section may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the written material is displayed, by a person inside a dwelling and are not heard or seen except by other persons in that or another dwelling.

(3) [F50] . . . . . .

(4) In proceedings for an offence under this section it is a defence for the accused to prove that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the written material displayed, would be heard or seen by a person outside that or any other dwelling.

(5) This section does not apply to words or behaviour used, or written material displayed, solely for the purpose of being included in a programme service.

Textual Amendments

F49 Words in s. 29B(1) inserted (23.3.2010) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 153(7), **Sch. 16 para. 6(2)**; S.I. 2010/712, **art. 2(d)**

F50 S. 29B(3) repealed (8.5.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 149, 153(1)(j), Sch. 16 para. 6(3), **Sch. 28 Pt. 5**

29C Publishing or distributing written material

(1) A person who publishes or distributes written material which is threatening is guilty of an offence if he intends thereby to stir up religious hatred **[**[F51]or hatred on the grounds of sexual orientation**]**.

(2) References in this Part to the publication or distribution of written material are to its publication or distribution to the public or a section of the public.

Textual Amendments

F51 Words in s. 29C(1) inserted (23.3.2010) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 153(7), **Sch. 16 para. 7**; S.I. 2010/712, **art. 2(d)**

29D Public performance of play

(1) If a public performance of a play is given which involves the use of threatening words or behaviour, any person who presents or directs the performance is guilty of an offence if he intends thereby to stir up religious hatred **[**[F52]or hatred on the grounds of sexual orientation**]**.

(2) This section does not apply to a performance given solely or primarily for one or more of the following purposes—

(a) rehearsal,

(b) making a recording of the performance, or

(c) enabling the performance to be included in a programme service;

but if it is proved that the performance was attended by persons other than those directly connected with the giving of the performance or the doing in relation to it of the things mentioned in paragraph (b) or (c), the performance shall, unless the contrary

is shown, be taken not to have been given solely or primarily for the purpose mentioned above.

(3) For the purposes of this section—

(a) a person shall not be treated as presenting a performance of a play by reason only of his taking part in it as a performer,

(b) a person taking part as a performer in a performance directed by another shall be treated as a person who directed the performance if without reasonable excuse he performs otherwise than in accordance with that person's direction, and

(c) a person shall be taken to have directed a performance of a play given under his direction notwithstanding that he was not present during the performance;

and a person shall not be treated as aiding or abetting the commission of an offence under this section by reason only of his taking part in a performance as a performer.

(4) In this section "play" and "public performance" have the same meaning as in the Theatres Act 1968.

(5) The following provisions of the Theatres Act 1968 apply in relation to an offence under this section as they apply to an offence under section 2 of that Act—

section 9 (script as evidence of what was performed),

section 10 (power to make copies of script),

section 15 (powers of entry and inspection).

Textual Amendments

F52 Words in s. 29D(1) inserted (23.3.2010) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 153(7), **Sch. 16 para. 8**; S.I. 2010/712, **art. 2(d)**

29E Distributing, showing or playing a recording

(1) A person who distributes, or shows or plays, a recording of visual images or sounds which are threatening is guilty of an offence if he intends thereby to stir up religious hatred **[**[F53]or hatred on the grounds of sexual orientation**]**.

(2) In this Part "recording" means any record from which visual images or sounds may, by any means, be reproduced; and references to the distribution, showing or playing of a recording are to its distribution, showing or playing to the public or a section of the public.

(3) This section does not apply to the showing or playing of a recording solely for the purpose of enabling the recording to be included in a programme service.

Textual Amendments

F53 Words in s. 29E(1) inserted (23.3.2010) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 153(7), **Sch. 16 para. 9**; S.I. 2010/712, **art. 2(d)**

Status: *Point in time view as at 06/04/2017.*
Changes to legislation: *Public Order Act 1986 is up to date with all changes known to be in force on or before 01 October 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)*

29F Broadcasting or including programme in programme service

(1) If a programme involving threatening visual images or sounds is included in a programme service, each of the persons mentioned in subsection (2) is guilty of an offence if he intends thereby to stir up religious hatred **[**[F54]or hatred on the grounds of sexual orientation**]**.

(2) The persons are—
- (a) the person providing the programme service,
- (b) any person by whom the programme is produced or directed, and
- (c) any person by whom offending words or behaviour are used.

Textual Amendments

F54 Words in s. 29F(1) inserted (23.3.2010) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 153(7), **Sch. 16 para. 10**; S.I. 2010/712, **art. 2(d)**

Inflammatory material

29G Possession of inflammatory material

(1) A person who has in his possession written material which is threatening, or a recording of visual images or sounds which are threatening, with a view to—
- (a) in the case of written material, its being displayed, published, distributed, or included in a programme service whether by himself or another, or
- (b) in the case of a recording, its being distributed, shown, played, or included in a programme service, whether by himself or another,

is guilty of an offence if he intends **[**[F55]thereby to stir up religious hatred or hatred on the grounds of sexual orientation**]**.

(2) For this purpose regard shall be had to such display, publication, distribution, showing, playing, or inclusion in a programme service as he has, or it may reasonably be inferred that he has, in view.

Textual Amendments

F55 Words in s. 29G(1) substituted (23.3.2010) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 153(7), **Sch. 16 para. 11**; S.I. 2010/712, **art. 2(d)**

29H Powers of entry and search

(1) If [F56]. . . a justice of the peace is satisfied by information on oath laid by a constable that there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of section 29G, the justice may issue a warrant under his hand authorising any constable to enter and search the premises where it is suspected the material or recording is situated.

(2) [F57]. . . . . .

(3) A constable entering or searching premises in pursuance of a warrant issued under this section may use reasonable force if necessary.

Status: *Point in time view as at 06/04/2017.*
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(4) In this section "premises" means any place and, in particular, includes—
- (a) any vehicle, vessel, aircraft or hovercraft,
- (b) any offshore installation as defined in section 12 of the Mineral Workings (Offshore Installations) Act 1971, and
- (c) any tent or movable structure.

Textual Amendments

F56 Words in s. 29H(1) repealed (8.5.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 149, 153(1)(j), Sch. 16 para. 12(2), **Sch. 28 Pt. 5**

F57 S. 29H(2) repealed (8.5.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 149, 153(1)(j), Sch. 16 para. 12(3), **Sch. 28 Pt. 5**

29I Power to order forfeiture

(1) A court by or before which a person is convicted of—
- (a) an offence under section 29B relating to the display of written material, or
- (b) an offence under section 29C, 29E or 29G,

shall order to be forfeited any written material or recording produced to the court and shown to its satisfaction to be written material or a recording to which the offence relates.

(2) An order made under this section shall not take effect—
- (a) [F58]. . . until the expiry of the ordinary time within which an appeal may be instituted or, where an appeal is duly instituted, until it is finally decided or abandoned;
- (b) [F59]. . . . . .

(3) For the purposes of subsection (2)(a)—
- (a) an application for a case stated or for leave to appeal shall be treated as the institution of an appeal, and
- (b) where a decision on appeal is subject to a further appeal, the appeal is not finally determined until the expiry of the ordinary time within which a further appeal may be instituted or, where a further appeal is duly instituted, until the further appeal is finally decided or abandoned.

(4) [F60]. . . . . .

Textual Amendments

F58 Words in s. 29I(2)(a) repealed (8.5.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 149, 153(1)(j), Sch. 16 para. 13(2)(a), **Sch. 28 Pt. 5**

F59 S. 29I(2)(b) repealed (8.5.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 149, 153(1)(j), Sch. 16 para. 13(2)(b), **Sch. 28 Pt. 5**

F60 S. 29I(4) repealed (8.5.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 149, 153(1)(j), Sch. 16 para. 13(3), **Sch. 28 Pt. 5**

Status: *Point in time view as at 06/04/2017.*
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29J Protection of freedom of expression

Nothing in this Part shall be read or given effect in a way which prohibits or restricts discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents, or of any other belief system or the beliefs or practices of its adherents, or proselytising or urging adherents of a different religion or belief system to cease practising their religion or belief system.

[F61 29JA Protection of freedom of expression (sexual orientation)

[F62(1)] [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.]

[F63(2) In this Part, for the avoidance of doubt, any discussion or criticism of marriage which concerns the sex of the parties to marriage shall not be taken of itself to be threatening or intended to stir up hatred.]

Textual Amendments

F61 S. 29JA inserted (8.5.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 153(1)(j), **Sch. 16 para. 14**

F62 S. 29JA(1): s. 29JA renumbered as s. 29JA(1) (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 28(2)**; S.I. 2014/93, art. 3(k)(ii)

F63 S. 29JA(2) inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 28(3)**; S.I. 2014/93, art. 3(k)(ii)

Supplementary provisions

29K Savings for reports of parliamentary or judicial proceedings

(1) Nothing in this Part applies to a fair and accurate report of proceedings in Parliament [F64, in the Scottish Parliament or in the National Assembly for Wales].

(2) Nothing in this Part applies to a fair and accurate report of proceedings publicly heard before a court or tribunal exercising judicial authority where the report is published contemporaneously with the proceedings or, if it is not reasonably practicable or would be unlawful to publish a report of them contemporaneously, as soon as publication is reasonably practicable and lawful.

Textual Amendments

F64 Words in s. 29K(1) substituted (8.5.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 153(1)(j), **Sch. 16 para. 15**

29L Procedure and punishment

(1) No proceedings for an offence under this Part may be instituted [F65]. . . except by or with the consent of the Attorney General.

Status: *Point in time view as at 06/04/2017.*
Changes to legislation: *Public Order Act 1986 is up to date with all changes known to be in force on or before 01 October 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)*

(2) For the purposes of the rules [F65]. . . against charging more than one offence in the same count or information, each of sections 29B to 29G creates one offence.

(3) A person guilty of an offence under this Part is liable—

(a) on conviction on indictment to imprisonment for a term not exceeding seven years or a fine or both;

(b) on summary conviction to imprisonment for a term not exceeding **[**[F66]12 months**]** or a fine not exceeding the statutory maximum or both.

[In subsection (3)(b) the reference to 12 months shall be read as a reference to 6 months [F67](4) in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003.**]**

Textual Amendments

F65 Words in s. 29L(1)(2) repealed (8.5.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 149, 153(1)(j), Sch. 16 para. 16(2), **Sch. 28 Pt. 5**

F66 Words in s. 29L(3)(b) substituted (8.5.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 153(1)(j), **Sch. 16 para. 16(3)**

F67 S. 29L(4) inserted (8.5.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 153(1)(j), **Sch. 16 para. 16(4)**

29M Offences by corporations

(1) Where a body corporate is guilty of an offence under this Part and it is shown that the offence was committed with the consent or connivance of a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as it applies to a director.

29N Interpretation

In this Part—

"distribute", and related expressions, shall be construed in accordance with section 29C(2) (written material) and section 29E(2) (recordings);

"dwelling" means any structure or part of a structure occupied as a person's home or other living accommodation (whether the occupation is separate or shared with others) but does not include any part not so occupied, and for this purpose "structure" includes a tent, caravan, vehicle, vessel or other temporary or movable structure;

[[F68]"hatred on the grounds of sexual orientation" has the meaning given by section 29AB;**]**

"programme" means any item which is included in a programme service;

"programme service" has the same meaning as in the Broadcasting Act 1990;

"publish", and related expressions, in relation to written material, shall be construed in accordance with section 29C(2);

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"religious hatred" has the meaning given by section 29A;

"recording" has the meaning given by section 29E(2), and "play" and "show", and related expressions, in relation to a recording, shall be construed in accordance with that provision;

"written material" includes any sign or other visible representation.**]**

Textual Amendments

F68 S. 29N: definition of "hatred on the grounds of sexual orientation" inserted (23.3.2010) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 74, 153(7), **Sch. 16 para. 17**; S.I. 2010/712, **art. 2(d)**

PART IV

30–37 . . . . . **F69**

Textual Amendments

F69 Ss. 30–37 repealed with saving by Football Supporters Act 1989 (c. 37, SIF 45A), **s. 27(5)**; Subject to amendment (27.9.1999) (E.W.) by 1999 c. 21, **ss. 6(1)**, 6(2)(a)(b), 7(1), 8(1)(2)(4)(5); Subject to amendment (1.4.2001) by 1999 c. 22, ss. 90, 106, 108, Sch. 13 para. 134, **Sch. 15 Pt. V(7)**; S.I. 2001/916, **art. 2** (with transitional provisions and savings in Sch. 2 para. 2); Subject to amendment (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 101**; Subject to amendment (28.8.2000) by 2000 c. 25, s. 1(2)(3), Sch. 2 paras. 3-7, **Sch. 3**; S.I. 2000/2125, **art. 2**

PART V

MISCELLANEOUS AND GENERAL

38 Contamination of or interference with goods with intention of causing public alarm or anxiety, etc.

(1) It is an offence for a person, with the intention—

(a) of causing public alarm or anxiety, or

(b) of causing injury to members of the public consuming or using the goods, or

(c) of causing economic loss to any person by reason of the goods being shunned by members of the public, or

(d) of causing economic loss to any person by reason of steps taken to avoid any such alarm or anxiety, injury or loss,

to contaminate or interfere with goods, or make it appear that goods have been contaminated or interfered with, or to place goods which have been contaminated or interfered with, or which appear to have been contaminated or interfered with, in a place where goods of that description are consumed, used, sold or otherwise supplied.

(2) It is also an offence for a person, with any such intention as is mentioned in paragraph (a), (c)*or* (d) of subsection (1), to threaten that he or another will do, or to claim that he or another has done, any of the acts mentioned in that subsection.

Status: *Point in time view as at 06/04/2017.*
Changes to legislation: *Public Order Act 1986 is up to date with all changes known to be in force on or before 01 October 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)*

(3) It is an offence for a person to be in possession of any of the following articles with a view to the commission of an offence under subsection (1)—

(a) materials to be used for contaminating or interfering with goods or making it appear that goods have been contaminated or interfered with, or

(b) goods which have been contaminated or interfered with, or which appear to have been contaminated or interfered with.

(4) A person guilty of an offence under this section is liable—

(a) on conviction on indictment to imprisonment for a term not exceeding 10 years or a fine or both, or

(b) on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

(5) In this section "goods" includes substances whether natural or manufactured and whether or not incorporated in or mixed with other goods.

(6) The reference in subsection (2) to a person claiming that certain acts have been committed does not include a person who in good faith reports or warns that such acts have been, or appear to have been, committed.

[F70]39 . . . . . .

Textual Amendments

F70 S. 39 repealed (3.11.1994) by 1994 c. 33, ss. 168(3), 172(4), **Sch. 11**

40 Amendments, repeals and savings.

(1) Schedule 1, which amends the [M12]Sporting Events (Control of Alcohol etc.) Act 1985 and Part V of the [M13]Criminal Justice (Scotland) Act 1980, shall have effect.

(2) Schedule 2, which contains miscellaneous and consequential amendments, shall have effect.

(3) The enactments mentioned in Schedule 3 (which include enactments related to the subject matter of this Act but already obsolete or unnecessary) are repealed to the extent specified in column 3.

(4) Nothing in this Act affects the common law powers in England and Wales to deal with or prevent a breach of the peace.

(5) As respects Scotland, nothing in this Act affects any power of a constable under any rule of law.

Marginal Citations

M12 1985 c. 57.

M13 1980 c. 62.

Status: *Point in time view as at 06/04/2017.*
Changes to legislation: *Public Order Act 1986 is up to date with all changes known to be in force on or before 01 October 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)*

41 Commencement.

(1) This Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be appointed for different provisions or different purposes.

(2) Nothing in a provision of this Act applies in relation to an offence committed or act done before the provision comes into force.

(3) Where a provision of this Act comes into force for certain purposes only, the references in subsection (2) to the provision are references to it so far as it relates to those purposes.

Modifications etc. (not altering text)

C3 Power of appointment conferred by s. 41 partly exercised: S.I. 1986/2041, 1987/198, 852

42 Extent

(1) The provisions of this Act extend to England and Wales except so far as they—

(a) amend or repeal an enactment which does not so extend, or

(b) relate to the extent of provisions to Scotland or Northern Ireland.

(2) The following provisions of this Act extend to Scotland—

in Part I, section 9(2) except paragraph (a);

in Part II, sections 12 and 14 to 16;

Part III;

Part V, except sections 38, [F71]. . ., 40(4), subsections (1) and (3) of this section and any provision amending or repealing an enactment which does not extend to Scotland.

(3) The following provisions of this Act extend to Northern Ireland—

sections 38, 41, this subsection, **[**[F72]and section 43**]**.

Textual Amendments

F71 Word in s. 42(2) repealed (3.11.1994) by 1994 c. 33, s. 168(3), 172(2), **Sch. 11**

F72 Words substituted by S.I. 1987/463 (N.I. 7), art. 28(1), **Sch. 1 para. 6**

43 Short title.

This Act may be cited as the Public Order Act 1986.

Status:
Point in time view as at 06/04/2017.

Changes to legislation:
Public Order Act 1986 is up to date with all changes known to be in force on or before 01 October 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.