

# Racial and Religious Hatred Bill

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Home Office, are published separately as Bill 11 – EN.

## EUROPEAN CONVENTION ON HUMAN RIGHTS

Mr Secretary Clarke has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Racial and Religious Hatred Bill are compatible with the Convention rights.

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**B I L L**

TO

Make provision about offences involving stirring up hatred against persons on racial or religious grounds.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Hatred against persons on racial or religious grounds**

Part 3 of the Public Order Act 1986 (c. 64) is amended in accordance with the Schedule to this Act, which—

- (a) creates offences involving stirring up hatred against persons on religious grounds, and
- (b) amends provisions relating to offences involving stirring up hatred against persons on racial grounds.

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**2 Short title, commencement and extent**

- (1) This Act may be cited as the Racial and Religious Hatred Act 2005.
- (2) This Act comes into force on such day as the Secretary of State may appoint by order made by statutory instrument.
- (3) An order under subsection (2) may make—
  - (a) such supplementary, incidental or consequential provision, or
  - (b) such transitory, transitional or saving provision,as the Secretary of State considers appropriate in connection with the coming into force of this Act.
- (4) This Act extends to England and Wales only.

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## SCHEDULE

Section 1

### HATRED AGAINST PERSONS ON RACIAL OR RELIGIOUS GROUNDS

- 1 Part 3 of the Public Order Act 1986 (c. 64) (racial hatred offences) has effect subject to the following amendments.
- 2 For the heading for Part 3 substitute “HATRED AGAINST PERSONS ON RACIAL OR RELIGIOUS GROUNDS”. 5
- 3 After section 17 insert –
- “Meaning of “religious hatred”*
- 17A 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.” 10
- 4 In the cross-heading before section 18, for “*racial hatred*” substitute “*racial or religious hatred*”.
- 5 (1) Section 18 (use of words or behaviour or display of written material) is amended as follows. 15
- (2) In subsections (1)(a) and (5) for “racial hatred” substitute “racial or religious hatred”.
- (3) For subsection (1)(b) substitute –
- “(b) having regard to all the circumstances the words, behaviour or material are (or is) likely to be heard or seen by any person in whom they are (or it is) likely to stir up racial or religious hatred.” 20
- 6 (1) Section 19 (publishing or distributing written material) is amended as follows. 25
- (2) In subsections (1)(a) and (2) for “racial hatred” substitute “racial or religious hatred”.
- (3) For subsection (1)(b) substitute –
- “(b) having regard to all the circumstances the material is likely to be seen by any person in whom it is likely to stir up racial or religious hatred.” 30
- 7 (1) Section 20 (public performance of play) is amended as follows.
- (2) In subsections (1)(a) and (2) (in both places) for “racial hatred” substitute “racial or religious hatred”.

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- (3) For subsection (1)(b) substitute –  
    “(b) having regard to all the circumstances the performance is likely to be attended by any person in whom the performance (taken as a whole) is likely to stir up racial or religious hatred.” 5
- 8 (1) Section 21 (distributing, showing or playing a recording) is amended as follows.
- (2) In subsections (1)(a) and (3) for “racial hatred” substitute “racial or religious hatred”.
- (3) For subsection (1)(b) substitute – 10  
    “(b) having regard to all the circumstances, the recording is likely to be seen or heard by any person in whom it is likely to stir up racial or religious hatred.”
- 9 (1) Section 22 (broadcasting or including programme in programme service) is amended as follows. 15
- (2) In subsections (1)(a), (3), (4) (in both places), (5) (in both places) and (6) for “racial hatred” substitute “racial or religious hatred”.
- (3) For subsection (1)(b) substitute –  
    “(b) having regard to all the circumstances, the programme is likely to be seen or heard by any person in whom it is likely to stir up racial or religious hatred.” 20
- 10 For the cross-heading before section 23 substitute “*Inflammatory material*”.
- 11 (1) Section 23 (possession of racially inflammatory material) is amended as follows.
- (2) In subsection (1) for the words from “if he intends” onwards substitute “if he intends racial or religious hatred to be stirred up thereby or subsection (1A) applies.” 25
- (3) After subsection (1) insert –  
    “(1A) This subsection applies if, having regard to all the circumstances, the material or recording is likely to be seen or heard by any person in whom it is likely to stir up racial or religious hatred.” 30
- (4) In subsection (3) for “racial hatred” substitute “racial or religious hatred”.
- (5) In the sidenote, for “racially inflammatory” substitute “inflammatory”.
- 12 In section 29 (interpretation) after the definition of “recording” insert –  
    ““religious hatred” has the meaning given by section 17A;”. 35

# Racial and Religious Hatred Bill

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## B I L L

To make provision about offences involving stirring up hatred against persons on racial or religious grounds.

*Presented by Mr Secretary Clarke  
supported by  
The Prime Minister, Mr Secretary Prescott,  
Mr Chancellor of the Exchequer, Mr Secretary Blunkett,  
Secretary Alan Johnson and Paul Goggins.*

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*Ordered, by The House of Commons,  
to be printed, 9th June 2005.*

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