

Hatred on the grounds of Race, Religion, and Sexual Orientation

The Public Order Act 1986 has recently been modified to address the ‘stirring up’ (the phrase used in the legislation) or the inciting of hatred against a group of people on the grounds of race, religion, or sexual orientation. The table below shows some of the relevant offences and the section numbers in the Public Order Act 1986. The boxes outlined in bold relate to the more commonly encountered versions of these offences.

activity \ grounds	racial	religious or sexual orientation
using threatening words or behaviour, or displaying written material	s 18	s 29B
publishing or distributing written material	s 19	s 29C
distributing, showing or playing a recording	s 21	s 29E
possessing racially inflammatory material	s 23	s 29G

Racial hatred means *‘hatred against a group of persons defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins’*.

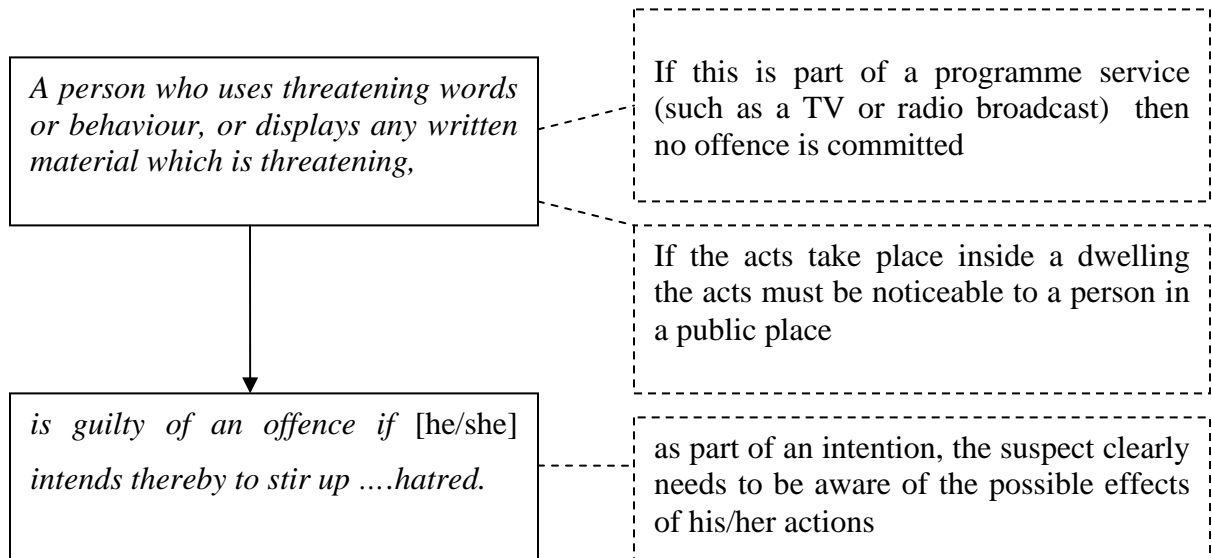
Religious hatred means hatred against a group of persons defined by reference to-

- religious belief, for example Christianity, Islam, Hinduism, Judaism, Buddhism, Sikhism, Rastafarianism, Baha’ism, Zoroastrianism and Jainism; or
- a lack of religious belief, for example Atheists and Humanists.

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)'*.

Possible defences

In practice, the offences you are most likely to encounter are those involving the use of threatening words or behaviour or the display of written material (ss **18, and 29B** of the Public Order Act 1986). The offences can be committed in a public or a private place, although the effects of the actions must be felt in a public place. Some possible defences are shown in the flowchart below.



These offences are triable either way:

- Summarily; six months' imprisonment and/or a fine.
- On indictment; seven years' imprisonment and/or a fine.