



Public Order Act 1986

1986 CHAPTER 64

PART III

RACIAL HATRED

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 [^{F1}displayed, published, distributed, [^{F2}or] included in a cable programme service], whether by himself or another, or
 - (b) in the case of a recording, its being [^{F3}distributed, shown, played, [^{F2}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 [^{F4}display, publication, distribution, showing, playing, [^{F5}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) ^{F6}

Changes to legislation: Public Order Act 1986, Cross Heading: Racially inflammatory material is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes

Textual Amendments

- F1** Words in s. 23(1)(a) repealed (S.) (1.4.2024) by [Hate Crime and Public Order \(Scotland\) Act 2021 \(asp 14\)](#), s. 21(2), [sch. 2 para. 1\(3\)\(a\)](#); S.S.I. 2024/82, reg. 2 (with reg. 3)
- F2** Words substituted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), [s. 164\(4\)\(a\)](#)
- F3** Words in s. 23(1)(b) repealed (S.) (1.4.2024) by [Hate Crime and Public Order \(Scotland\) Act 2021 \(asp 14\)](#), s. 21(2), [sch. 2 para. 1\(3\)\(b\)](#); S.S.I. 2024/82, reg. 2 (with reg. 3)
- F4** Words in s. 23(2) repealed (S.) (1.4.2024) by [Hate Crime and Public Order \(Scotland\) Act 2021 \(asp 14\)](#), s. 21(2), [sch. 2 para. 1\(3\)\(c\)](#); S.S.I. 2024/82, reg. 2 (with reg. 3)
- F5** Words substituted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), [s. 164\(4\)\(b\)](#)
- F6** 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 ^{M1}Mineral Workings (Offshore Installations) Act 1971, and
 - (c) any tent or movable structure.

Marginal Citations

- M1** 1971 c. 61.

25 Power to order forfeiture.

- (1) A court by or before which a person is convicted of—
[^{F7}an offence under section 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;

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- (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.
- (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.

Textual Amendments

- F7** Words in s. 25(1) substituted for s. 25(1)(a)(b) (S.) (1.4.2024) by [Hate Crime and Public Order \(Scotland\) Act 2021 \(asp 14\)](#), s. 21(2), [sch. 2 para. 1\(4\)](#); S.S.I. 2024/82, reg. 2 (with reg. 3)

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

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

- s. 4B inserted by [2023 c. 47 s. 1](#)