



Public Order Act 1986

1986 CHAPTER 64

PART III

RACIAL HATRED

Acts intended or likely to stir up racial hatred

[^{F1}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
 - (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 [^{F2}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

Changes to legislation: Public Order Act 1986, Section 20 is up to date with all changes known to be in force on or before 23 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

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 ^{M1}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

- F1** Ss. 18-21 repealed (S.) (1.4.2024) by [Hate Crime and Public Order \(Scotland\) Act 2021 \(asp 14\)](#), s. 21(2), [sch. 2 para. 1\(2\)](#); S.S.I. 2024/82, reg. 2 (with reg. 3)
- F2** Words substituted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 164(2)
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Marginal Citations

- M1** 1968 c. 54.

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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](#)