



Crime and Disorder Act 1998

1998 CHAPTER 37

PART II

CRIMINAL LAW

[^{F1}Racially or religiously aggravated] offences: England and Wales

28 Meaning of “[^{F1}racially or religiously aggravated]”.

- (1) An offence is [^{F1}racially or religiously aggravated] for the purposes of sections 29 to 32 below if—
- (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim’s membership (or presumed membership) of a [^{F2}racial or religious group]; or
 - (b) the offence is motivated (wholly or partly) by hostility towards members of a [^{F2}racial or religious group] based on their membership of that group.
- (2) In subsection (1)(a) above—
- “membership”, in relation to a [^{F2}racial or religious group], includes association with members of that group;
 - “presumed” means presumed by the offender.
- (3) It is immaterial for the purposes of paragraph (a) or (b) of subsection (1) above whether or not the offender’s hostility is also based, to any extent, [^{F3}on any other factor not mentioned in that paragraph.]
- (4) In this section “racial group” means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins.
- [^{F4}(5) In this section “religious group” means a group of persons defined by reference to religious belief or lack of religious belief.]

Changes to legislation: Crime and Disorder Act 1998, Section 28 is up to date with all changes known to be in force on or before 16 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. 28\(1\)](#) and the sidenote substituted (14.12.2001) by [2001 c. 24, ss. 39\(3\)\(a\)](#), [127\(2\)](#) (with [s. 42](#))
- F2** Words in [s. 28\(1\)\(2\)](#) substituted (14.12.2001) by [2001 c. 24, ss. 39\(3\)\(b\)](#), [127\(2\)](#) (with [s. 42](#))
- F3** Words in [s. 28\(3\)](#) substituted (14.12.2001) for [s. 28\(3\)\(a\)\(b\)](#) by [2001 c. 24, ss. 39\(3\)\(c\)](#), [127\(2\)](#) (with [s. 42](#))
- F4** [S. 28\(5\)](#) inserted (14.12.2001) by [2001 c. 24, ss. 39\(4\)](#), [127\(2\)](#) (with [s. 42](#))

Modifications etc. (not altering text)

- C1** [S. 28](#) applied (25.8.2000) by [2000 c. 6, ss. 153\(3\)](#), [168\(1\)](#)
- C2** [S. 28](#) applied (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 269\(5\)](#), [336\(2\)](#), [Sch. 21 para. 2](#)
- C3** [S. 28](#) applied (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 145\(3\)](#), [336\(3\)](#); [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 7](#) (with [Sch. 2](#))
- C4** [S. 28](#) applied (28.3.2009 for specified purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 240\(4\)](#), [383\(2\)](#) (with [ss. 271\(1\)](#), [385](#)); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#); [S.I. 2009/1167](#), [art. 4](#)
- C5** [S. 28\(2\)](#) applied (31.3.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), [ss. 47\(2\)](#), [93\(1\)](#); [S.I. 2004/690](#), [art. 3\(g\)](#); [S.I. 2004/999](#), [art. 2\(g\)](#)

Commencement Information

- I1** [S. 28](#) wholly in force; [S. 28](#) not in force at Royal Assent see [s. 121](#). In force at 30.9.1998 by [S.I. 1998/2327](#), [art. 2\(1\)](#) (subject to savings in [arts. 5-8](#))

Changes to legislation:

Crime and Disorder Act 1998, Section 28 is up to date with all changes known to be in force on or before 16 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.

[View outstanding changes](#)

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. 1(1C) inserted by [2010 c. 17 s. 40\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 40 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 8A inserted by [2010 c. 17 s. 41\(3\)](#) (This amendment not applied to legislation.gov.uk. S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 8A repealed by [2014 c. 12 Sch. 11 para. 24\(c\)](#)
- s. 9(2)(d) and word inserted by [2010 c. 17 s. 41\(4\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 9(2)(d) and word omitted by [2014 c. 12 Sch. 11 para. 26\(4\)\(a\)](#)
- s. 9(2AA) inserted by [2010 c. 17 s. 41\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 9(2AA) repealed by [2014 c. 12 Sch. 11 para. 26\(5\)](#)
- s. 41(5)(i)(ii) words substituted by [2021 c. 11 Sch. 13 para. 37\(3\)](#)
- s. 47(A1) inserted by [2022 c. 35 s. 12\(2\)](#)
- s. 47(1)-(1F) substituted for s. 47(1) by [2022 c. 35 s. 12\(3\)](#)
- s. 47(4)(a) word substituted by [2022 c. 35 s. 12\(6\)\(b\)](#)
- s. 47(4)(a) words renumbered as s. 47(4)(a) by [2022 c. 35 s. 12\(6\)\(a\)](#)
- s. 47(4)(b) and word inserted by [2022 c. 35 s. 12\(6\)\(c\)](#)
- s. 47(4A) inserted by [2022 c. 35 s. 12\(7\)](#)
- s. 50A(6) inserted by [2022 c. 35 Sch. 2 para. 8\(2\)\(b\)](#)
- s. 51(2A)-(2E) inserted by [2022 c. 35 s. 10\(4\)](#)
- s. 51(3A)(3B) substituted for s. 51(3)-(12) by [2022 c. 35 s. 10\(5\)](#)
- s. 51A(A1) inserted by [2022 c. 35 s. 10\(7\)](#)
- s. 51A(3A)-(3E) inserted by [2022 c. 35 s. 10\(9\)](#)
- s. 51A(4A)(4B) substituted for s.0051A(4)-(10) by [2022 c. 35 s. 10\(10\)](#)
- s. 52(2A) inserted by [2022 c. 35 s. 10\(11\)](#)
- Sch. 3 para. 3(11A) inserted by [2003 c. 44 Sch. 3 para. 71\(d\)](#)