



Crime and Disorder Act 1998

1998 CHAPTER 37

PART II

CRIMINAL LAW

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

32 [^{F1}Racially or religiously aggravated] harassment etc.

- (1) A person is guilty of an offence under this section if he commits—
- (a) an offence under section 2 [^{F2}or 2A] of the ^{M1}Protection from Harassment Act 1997 ([^{F3}offences of harassment and stalking]); or
 - (b) an offence under section 4 [^{F4}or 4A] of that Act (putting people in fear of violence [^{F5}and stalking involving fear of violence or serious alarm or distress]),

which is [^{F6}racially or religiously aggravated] for the purposes of this section.

^{F7}(2)

- (3) A person guilty of an offence falling within subsection (1)(a) above shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.
- (4) A person guilty of an offence falling within subsection (1)(b) above shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding [^{F8} 14 years] or to a fine, or to both.
- (5) If, on the trial on indictment of a person charged with an offence falling within subsection (1)(a) above, the jury find him not guilty of the offence charged, they may find him guilty of [^{F9}either basic offence] mentioned in that provision.

Changes to legislation: Crime and Disorder Act 1998, Section 32 is up to date with all changes known to be in force on or before 17 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

- (6) If, on the trial on indictment of a person charged with an offence falling within subsection (1)(b) above, the jury find him not guilty of the offence charged, they may find him guilty of an offence falling within subsection (1)(a) above.
- (7) ^{F10}

Textual Amendments

- F1** Words in the sidenote to s. 32 substituted (14.12.2001) by 2001 c. 24, **ss. 39(5)(a)(6)(d)**, 127(2) (with s. 42)
- F2** Words in s. 32(1)(a) inserted (25.11.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 144(2)(a)(i)** (with s. 97); S.I. 2012/2075, art. 5(d)
- F3** Words in s. 32(1)(a) substituted (25.11.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 144(2)(a)(ii)** (with s. 97); S.I. 2012/2075, art. 5(d)
- F4** Words in s. 32(1)(b) inserted (25.11.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 144(2)(b)(i)** (with s. 97); S.I. 2012/2075, art. 5(d)
- F5** Words in s. 32(1)(b) inserted (25.11.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 144(2)(b)(ii)** (with s. 97); S.I. 2012/2075, art. 5(d)
- F6** Words in s. 32(1) substituted (14.12.2001) by 2001 c. 24, **ss. 39(5)(b)(6)(d)**, 127(2) (with s. 42)
- F7** S. 32(2) repealed (1.10.2002) by Police Reform Act 2002 (c. 30), s. 107(2), **Sch. 8**; S.I. 2002/2306, **art. 2(g)(iii)(f)**
- F8** Words in s. 32(4)(b) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 175(2)**, 183(1)(5)(e) (with s. 175(3)); S.I. 2017/399, reg. 2, Sch. para. 35
- F9** Words in s. 32(5) substituted (25.11.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 144(3)** (with s. 97); S.I. 2012/2075, art. 5(d)
- F10** S. 32(7) repealed (30.9.2009) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58, 60, Sch. 10 para. 48, **Sch. 11** (with Sch. 12 para. 5(1)); S.I. 2009/2616, **art. 2**

Commencement Information

- I1** S. 32 wholly in force; S. 32 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)

Marginal Citations

- M1** 1997 c.40.

Changes to legislation:

Crime and Disorder Act 1998, Section 32 is up to date with all changes known to be in force on or before 17 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.

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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. 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\(d\)](#)