



Public Order Act 1986, Section 4

- It is illegal for a person to use threatening, abusive or insulting words with intent to cause another person to believe that immediate unlawful violence will be used against them or another.
- A person also cannot engage in behaviour, written material or other displays which are intended to cause racial hatred.
- The main point of Section 4 is the intent of the offender.
- If convicted, the defendant can receive a prison sentence for a term not longer than six months, or a fine. If the offence is found to be racially or religiously aggravated, the maximum sentence is increased to two years imprisonment.

<http://www.legislation.gov.uk/ukpga/1986/64/section/4>

Public Order Act 1986, Section 4A and 5

- As with Section 4, it is illegal for a person to engage in threatening or abusive words or behaviour or to display threatening writings or signs.
- Section 4A states that it is an offence to use threatening, abusive or insulting words or behaviour, or disorderly behaviour that causes harassment, alarm or distress to another with the specific intention of causing such harassment, alarm or distress.
- Section 5 of the Act specifically states that it is unlawful to use threatening or abusive words or behaviour if it is likely to cause harassment, alarm or distress. This means that even if a person does not intend to commit a hate crime, they are still subject to prosecution.
- If convicted of the Section 4A offence, the defendant can receive a prison sentence for a term not longer than six months, or a fine. If the offence is found to be racially or religiously aggravated, the maximum sentence is increased to two years imprisonment.
- If convicted of the Section 5 offence, the defendant can expect a fine.

<http://www.legislation.gov.uk/ukpga/1986/64/section/4>

<http://www.legislation.gov.uk/ukpga/1986/64/section/5>

Crime and Disorder Act 1998

- Created specific offences of racially aggravated crime including racially aggravated wounding, assault, damage, harassment and threatening/abusive behaviour. These were found to be the types of offences most commonly experienced by victims of racial violence or harassment. These aggravated offences have substantially increased maximum sentences compared to the 'basic' offences.
- Amended in 2001 by creating new specific religiously aggravated offences and applying the same sentencing duty for both religiously and racially aggravated offences. It was further amended in 2012 to include racially or religiously aggravated stalking.

- An offence is racially or religiously aggravated if, at the time of committing the offence or immediately before or after doing so, the offender demonstrated hostility towards the victim based on the victim's presumed membership of a racial or religious group; or if the offence was wholly or partly motivated by hostility towards members of a racial or religious group based on their presumed membership of that group.

<http://www.legislation.gov.uk/ukpga/1998/37/contents>

Criminal Justice Act 2003

- Section 145 of this Act gives courts the power to enhance the sentence of any offence that is racially or religiously aggravated.

<http://www.legislation.gov.uk/ukpga/2003/44/section/145>

Public Order Act 1986 Part III

- It is illegal for a person to use threatening, abusive or insulting words or behaviour, or to display any such written material, which is intended to stir up racial hatred or is likely to do so.

'It is an offence to incite hatred against a group of persons defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins.'

'A person who uses threatening, abusive or insulting words or behaviour or displays any written material which is threatening, abusive or insulting, is guilty of an offence...'

'A person who publishes or distributes written material which is threatening, abusive or insulting is guilty of an offence...'

'A person who distributes, or shows or plays, a recording of visual images or sounds which are threatening, abusive or insulting is guilty of an offence...'

'If a programme involving threatening, abusive or insulting visual images or sounds is included in a programme service, each of the persons mentioned in subsection (2) is guilty of an offence...'

'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.....is guilty of an offence if he intends racial hatred to be stirred up, or having regard to all the circumstances, racial hatred is likely to be stirred up....'

<https://www.legislation.gov.uk/ukpga/1986/64/part/III/data.pdf>

Racial and Religious Hatred Act 2006, Part 3A, Section 29

- The law against stirring up religious hatred is more limited than that against stirring up racial hatred: the words or actions of the offender must be threatening in nature and it is necessary to demonstrate intent by the offender to stir up religious hatred.
- Jews are regarded by UK courts as an ethnic group and therefore, the laws against inciting racial or religious hatred both apply to Jews. Muslims are not regarded by UK courts as an ethnic group and therefore it is only the law regarding inciting religious hatred that applies to Muslims.

- This kind of hate crime often includes both racial and religious hatred and it is important to highlight any racially abusive statements to the Police when reporting the offence. You can experience a racial or religious hate crime even if you are not an observant or visibly religious Jew or Muslim.
- If convicted, the defendant can receive a prison sentence or a fine.

Amended the Public Order Act 1986 by making provision for hatred against 'persons defined by reference to religious belief or lack of religious belief'.

http://www.legislation.gov.uk/ukpga/2006/1/pdfs/ukpga_20060001_en.pdf

Football (Offences Act) 1991, Section 3

- It is illegal to chant anything that is deemed to be 'racialist'. This can be directed at one person or a group. Racist means the chanting is abusive or insulting to a person based on colour, race (including the Jewish community), nationality (including citizenship) or national origins.
- If convicted, the defendant can expect a fine.

<http://www.legislation.gov.uk/ukpga/1991/19/section/3>

Malicious Communications Act 1988 (amended 2001), Section 1

- It is illegal to send another person a message which is grossly offensive, indecent, a threat or false information which is known or believed to be false by the sender. This includes offensive messages on social media, the internet and via text or email.
- If convicted the defendant can expect imprisonment for no longer than 12 months, a fine, or both.
- Internet trolls who post offensive messages on Twitter can be arrested and charged under the Malicious Communications Act 1988.
There is no requirement for the message to necessarily reach the recipient it must merely have been sent, delivered or transmitted.
- Those found guilty of sending malicious communications face a maximum of six months imprisonment or a £5000 fine.
Offence of sending letters etc. with intent to cause distress or anxiety.

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- (1) Any person who sends to another person
 - (a) a letter, electronic communication or article of any description which conveys
 - (i) a message which is indecent or grossly offensive
 - (ii) a threat; or
 - (iii) information which is false and known or believed to be false by the sender; or
 - (b) any article or electronic communication which is, in whole or part, of an indecent or grossly offensive nature

Is guilty of an offence if his purpose, or one of his purposes, in sending it is that it should, so far as falling within paragraph (a) or (b) above, cause distress or anxiety to the recipient or to any other person to whom he intends that it or its contents or nature should be communicated.
- <http://www.legislation.gov.uk/ukpga/1988/27>

Communications Act 2003, Part 2, Chapter 1, Section 127

- It is illegal for a person to send grossly offensive, indecent, obscene or menacing messages, or persistent messages for the purpose of causing annoyance, inconvenience or needless anxiety to another, via the internet, email, text and social media.

- If found guilty, an offender can expect imprisonment for no longer than six months, a fine, or both.
- 'A person is guilty of an offence if he (a) sends by means of a public electronic communications network a message or other matter that is grossly offensive or of an indecent, obscene or menacing character...'
- <http://www.legislation.gov.uk/ukpga/2003/21/section/127?view=plain,downloaded>

Protection from Harassment Act 1997, Section 1, 2 and 4

- It is illegal to harass or stalk another person, whether knowingly or not, or act in a way that puts another person in fear of violence.
- This law includes online and offline behaviour.
- Specifically, this law requires the incident to occur on at least two occasions.
- If found guilty in the Magistrates' Court, the defendant can be subject to imprisonment for no longer than six months, a fine, or both. In the Crown Court, if found guilty of the non-aggravated form of putting people in fear of violence, the defendant's prison term can be ten years if the offence occurred on or after 3 April 2017 or five years if before this date. If found guilty of the aggravated form, the maximum prison sentence is 14 years if on or before 3 April 2017, seven years if before

Addresses behaviour, including online, which is repeated and unwanted and which causes the victim alarm or distress.

1 Prohibition of harassment.

(1) A person must not pursue a course of conduct

(a) which amounts to harassment of another, and

(b) which he knows or ought to know amounts to harassment of the other.

(2) For the purposes of this section, the person whose course of conduct is in

question ought to know that it amounts to harassment of another if a

reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other.

4 Putting people in fear of violence

(1) A person whose course of conduct causes another to fear, on at least two occasions, that violence will be used against him is guilty of an offence if he knows or ought to know that his course of conduct will cause the other so to fear on each of those occasions.

(2) For the purposes of this section, the person whose course of conduct is in question ought to know that it will cause another to fear that violence will be used against him on any occasion if a reasonable person in possession of the same information would think the course of conduct would cause the other so to fear on that occasion.

The Protection of Freedoms Act 2012 (Part 11 of Schedule 9) amended the Act to include stalking which can be linked with racial or religious hatred. The Crime and Disorder Act 1998 (Section 32) also provides for two racially or religiously aggravated offences.

<http://www.legislation.gov.uk/ukpga/1997/40/contents>

Online Harms White Paper

In April 2019, the UK Government published the Online Harms White Paper in which it noted that illegal and unacceptable content and activity is widespread online, and sets out a programme of action to combat it.

It proposes a new regulatory framework for online safety to involve a new statutory duty of care to make companies take more responsibility for the safety of their users and tackle harm caused by content or activity on their services. Compliance with this duty of care will be overseen and enforced by an independent regulator, who will have enforcement powers, and all companies in scope of the regulatory framework will need to be able to show that they are fulfilling their duty of care.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793360/Online_Harms_White_Paper.pdf