

Crime and Policing Bill

AMENDMENTS TO BE MOVED IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Seventh Marshalled List]

After Clause 122

LORD MENDELSON

After Clause 122, insert the following new Clause –

“Offence: incitement of holy or religious war or intifada

- (1) It is an offence for a person to use or display in any form or medium terms likely to cause harassment, alarm or distress including terms meaning or intended to mean promotion, incitement or advancement of a holy or religious war or intifada.
- (2) A person guilty of committing an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.”

After Clause 126

LORD MOYNIHAN OF CHELSEA

After Clause 126, insert the following new Clause –

“Amendment to speech offences

- (1) The Malicious Communications Act 1988 is repealed.
- (2) Omit section 127 of the Communications Act 2003.
- (3) In the table in section 1(1) of the Criminal Justice and Police Act 2001 (offences leading to penalties on the spot) omit the entry relating to section 127(2) of the Communications Act 2003.
- (4) The Public Order Act 1986 is amended as follows.
- (5) In section 4 –
 - (a) in subsection (1)(a) after “threatening” omit “, abusive or insulting”, and

- (b) in subsection (1)(b) after “threatening” omit “, abusive or insulting”.
- (6) Omit sections 4A and 5.
- (7) In section 6—
 - (a) in subsection (3)—
 - (i) after the first “threatening,” omit “abusive or insulting”,
 - (ii) after the second “threatening” omit “, abusive or insulting”, and
 - (b) omit subsection (4).
- (8) In section 18(1)—
 - (a) after the first “threatening” omit “, abusive or insulting”, and
 - (b) after the second “threatening” omit “, abusive or insulting”.
- (9) In section 19(1) after “threatening,” omit “abusive or insulting”.
- (10) In section 20(1) after “threatening,” omit “abusive or insulting”.
- (11) In section 21(1) after “threatening,” omit “abusive or insulting”.
- (12) In section 22(1) after “threatening,” omit “abusive or insulting”.

Member's explanatory statement

This amendment would amend a number of different Acts to ensure that freedom of speech is protected, so that a person cannot be prosecuted for causing “anxiety” or for “insulting” another person.

LORD MOYNIHAN OF CHELSEA

After Clause 126, insert the following new Clause—

“Abolition of hate crime and offences related to hate

- (1) The Public Order Act 1986 is amended in accordance with subsections (2) and (3).
- (2) In the long title, omit “to control the stirring up of racial hatred;”.
- (3) Part III and Part 3A are repealed.
- (4) The Crime and Disorder Act 1998 is amended in accordance with subsections (5) and (6).
- (5) In the long title, omit “to create certain racially aggravated offences;”.
- (6) Omit sections 28 to 33.
- (7) In the Anti-Terrorism, Crime and Security Act 2001, omit section 39.
- (8) The Racial and Religious Hatred Act 2006 is repealed.
- (9) In the Criminal Justice and Immigration Act 2008, omit section 74 and Schedule 16.
- (10) The Sentencing Code is amended as follows.

- (11) Omit section 66.
- (12) In section 160(1), in the table, omit the entry relating to “section 25 or 29I of the Public Order Act 1986”.
- (13) In Schedule 18, omit paragraph 22.
- (14) In Schedule 21, in paragraph 3 omit—
 - (a) sub-paragraph (2)(g) and (2)(h), and
 - (b) sub-paragraph (3).”

Member's explanatory statement

This amendment would abolish all classes of “hate crime”, aggravating factors based upon “hate” and stand-alone offences relating to “hate”.

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