



Race Relations Act 1968

1968 CHAPTER 71

PART I

DISCRIMINATION

General

1 Meaning of "discriminate".

- (1) For the purposes of this Act a person discriminates against another if on the ground of colour, race or ethnic or national origins he treats that other, in any situation to which section 2, 3, 4 or 5 below applies, less favourably than he treats or would treat other persons, and in this Act references to discrimination are references to discrimination on any of those grounds.
- (2) It is hereby declared that for those purposes segregating a person from other persons on any of those grounds is treating him less favourably than they are treated.

Unlawful discrimination

2 Provision of goods, facilities and services.

- (1) It shall be unlawful for any person concerned with the provision to the public or a section of the public (whether on payment or otherwise) of any goods, facilities or services to discriminate against any person seeking to obtain or use those goods, facilities or services by refusing or deliberately omitting to provide him with any of them or to provide him with goods, services or facilities of the like quality, in the like manner and on the like terms in and on which the former normally makes them available to other members of the public.
- (2) The following are examples of the facilities and services mentioned in subsection (1) above, that is to say—

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access to and use of any place which members of the public are permitted to enter ;
accommodation in a hotel, boarding house or other similar establishment;
facilities by way of banking or insurance or for grants, loans, credit or finance ;
facilities for education, instruction or training ;
facilities for entertainment, recreation or refreshment;
facilities for transport or travel;
the services of any business, profession or trade or local or other public authority.

3 Employment.

- (1) It shall be unlawful for an employer or any person concerned with the employment of others to discriminate against any other person—
 - (a) if that other person is seeking employment, by refusing or deliberately omitting to employ him on work of any description which is available and for which he is qualified;
 - (b) if that other person is employed or seeking employment on work of any description, by refusing or deliberately omitting to afford or offer him the like terms of employment, the like conditions of work and the like opportunities for training and promotion as the employer makes available for persons of the like qualifications employed in like circumstances on work of that description;
or
 - (c) if that other person is employed on work of any description, by dismissing him in circumstances in which other persons employed on work of that description by the employer are not, or would not be, dismissed.
- (2) The provisions of this section shall not affect the provisions of any enactment relating to the employment or qualification for employment of persons or of any instrument so relating made under any enactment, or any condition or requirement so relating imposed by virtue of any enactment, or render unlawful anything done in pursuance of any such provision, condition or requirement.

4 Trade unions, and employers' and trade organisations.

- (1) It shall be unlawful for an organisation to which this section applies or any person concerned with the affairs of such an organisation—
 - (a) to discriminate against a person who is not a member of the organisation by refusing or deliberately omitting to admit him to membership of the organisation on the like terms as other persons applying for membership;
 - (b) to discriminate against a member of the organisation by refusing or deliberately omitting to accord him the same benefits as are accorded to other members thereof, or to take the like action on his behalf as is taken on behalf of other members, or by expelling him from the organisation.
- (2) This section applies to organisations of employers or workers or other organisations concerned with the carrying on of trades, businesses, professions or occupations.

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5 Housing accommodation, and business and other premises.

It shall be unlawful for any person having power to dispose, or being otherwise concerned with the disposal, of housing accommodation, business premises or other land to discriminate—

- (a) against any person seeking to acquire any such accommodation, premises or other land by refusing or deliberately omitting to dispose of it to him, or to dispose of it to him on the like terms and in the like circumstances as in the case of other persons ;
- (b) against any person occupying any such accommodation, premises or other land, by deliberately treating him differently from other such occupiers in the like circumstances ; or
- (c) against any person in need of any such accommodation, premises or other land by deliberately treating that other person differently from others in respect of any list of persons in need of it.

6 Advertisements and notices.

- (1) It shall be unlawful for any person to publish or display, or to cause to be published or displayed, any advertisement or notice which indicates, or which could reasonably be understood as indicating, an intention to do an act of discrimination, whether or not it would be unlawful by virtue of any other provision of this Act.
- (2) Subsection (1) above shall not render unlawful the publication or display, or causing the publication or display, of an advertisement or notice which indicates that Commonwealth citizens or any class of such citizens are required for employment outside Great Britain or that persons other than such citizens are required for employment in Great Britain.

Acts which are not unlawful

7 Exception in the case of residential accommodation.

- (1) It shall not be unlawful by virtue of section 2 or 5 of this Act to discriminate against any person with respect to the provision or disposal of any residential accommodation in any premises if at the time of the disposal—
 - (a) the premises are treated for the purposes of this subsection as small premises ; and
 - (b) the person having power to provide or dispose of the accommodation (in this subsection and subsection (2) below referred to as " the landlord ") resides and intends to continue to reside on the premises; and
 - (c) there is on the premises, in addition to the accommodation occupied by the landlord, relevant accommodation shared by him with other persons residing on the premises who are not members of his household.
- (2) Premises shall be treated for the purposes of subsection (1) above as small premises if—
 - (a) in the case of premises comprising residential accommodation for one or more households (under separate letting or similar agreements) in addition to the accommodation occupied by the landlord, there is not normally residential accommodation for more than two such households and only the landlord and any member of his household reside in the accommodation occupied by him;

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- (b) in the case of premises not falling within paragraph (a) above, there is not normally residential accommodation on the premises for more than six persons in addition to the landlord and any members of his household.
- (3) During the two years beginning with the commencement of this Act, subsection (2) (b) above shall have effect as if for the reference to six persons there were substituted a reference to twelve persons.
- (4) In the foregoing provisions of this section any reference to a person having power to provide or dispose of any accommodation or to the landlord shall be construed as including a reference to any member of his family; and for the purposes of this subsection a person is a member of another's family if that person is—
 - (a) the other's wife or husband ; or
 - (b) a son or daughter or a son-in-law or daughter-in-law of the other, or of the other's wife or husband; or
 - (c) the father or mother of the other, or of the other's wife or husband.

In paragraph (b) above any reference to a person's son or daughter includes a reference to any step-son or step-daughter, any illegitimate son or daughter, and any adopted son or daughter, of that person, and " son-in-law " and " daughter-in-law " shall be construed accordingly.

- (5) In the foregoing provisions of this section " residential accommodation " includes accommodation in a hotel, boarding house or other similar establishment and " relevant accommodation " means any accommodation other than storage accommodation and means of access.
- (6) It shall not be unlawful by virtue of section 2 above to discriminate against any person in respect of the provision of sleeping cabins for passengers on a ship if compliance with that section in that respect would result in persons of different colour, race or ethnic or national origins being compelled to share any such cabin.
- (7) It shall not be unlawful by virtue of section 5 above for any person to discriminate against another with respect to the disposal by the former of his interest in any premises owned and wholly occupied by him unless he uses the services of an estate agent for the purposes of the disposal, or publishes or displays, or causes the publication or display, of an advertisement or notice in connection with the disposal.
- (8) For the purposes of subsection (7) above a person shall be taken to own premises if the fee simple or a lease of the premises is vested in him, and in that subsection " estate agent " means a person who in connection with the disposal of an interest in land does any of the following acts in the course of a trade, business or profession, that is to say, he brings together or takes steps to bring together the person proposing to dispose of the interest and the prospective purchaser thereof, or acts as an auctioneer.

In the application of this subsection to Scotland " fee simple " means the estate or interest of the proprietor of the dominium utile.

8 Exceptions in the case of employment.

- (1) Sections 2 and 3 above shall not apply—
 - (a) during the two years beginning with the commencement of this Act, to employment with an employer who employs not more than twenty-five persons in addition to any employed for the purposes of his private household ;

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- (b) during the two years following those two years, to employment with an employer who employs not more than ten persons in addition to any employed for the purposes of his private household.
- (2) It shall not be unlawful by virtue of either of those sections to discriminate against any person with respect to the engagement for employment in, or the selection for work within, an undertaking or part of an undertaking if the act is done in good faith for the purpose of securing or preserving a reasonable balance of persons of different racial groups employed in the undertaking or that part of the undertaking, as the case may be.
 - (3) In determining for the purposes of subsection (2) above whether a balance is reasonable regard shall be had to all the circumstances and, in particular, to the proportion of persons employed in those groups in the undertaking or part of the undertaking, as the case may be, and to the extent, if any, to which the employer engages, with respect to employment in the undertaking or part of the undertaking, as the case may be, in discrimination of any kind which is unlawful by virtue of this Part of this Act.
 - (4) In subsection (2) above " racial group " means a group of persons defined by reference to colour, race or ethnic or national origins and for the purposes of that subsection persons wholly or mainly educated in Great Britain shall be treated as members of the same racial group.
 - (5) The Secretary of State may, if it appears to him expedient to do so, by order repeal subsections (2) to (4) above, but no such order shall be made unless a draft of the order has been laid before Parliament and approved by each House of Parliament.
 - (6) Those sections shall not apply to the employment of any person for the purposes of a private household.
 - (7) Those sections shall not apply to any employment which is, or an application for any employment which is to be,—
 - (a) wholly or mainly in a country outside Great Britain ;
 - (b) wholly on a British ship or aircraft outside Great Britain; or
 - (c) wholly or mainly on a ship or aircraft outside Great Britain other than a British ship or aircraft;notwithstanding that the person employed or seeking employment was engaged or applied for it in Great Britain.
 - (8) Without prejudice to subsection (7) above, sections 2 and 3 above shall not apply to the employment or an application for the employment of a person on a ship or aircraft if the person employed or seeking employment was engaged or applied for it outside Great Britain.
 - (9) For the purposes of subsection (8) above a person brought to Great Britain with a view to his entering into an agreement in Great Britain to be employed on any ship or aircraft shall be treated as engaged for or seeking the employment outside Great Britain.
 - (10) It shall not be unlawful by virtue of section 2 or 3 above to discriminate against any person in respect of employment on a ship, if compliance with either of those sections in that respect would result in persons of different colour, race or ethnic or national origins being compelled to share sleeping rooms, mess rooms or sanitary accommodation.

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- (11) Section 3 above shall not render unlawful the selection of a person of a particular nationality or particular descent for employment requiring attributes especially possessed by persons of that nationality or descent.

9 Charities and acts done for charitable purposes.

- (1) Nothing in this Part of this Act shall—
- (a) be construed as affecting a provision which is contained in a future charitable instrument and confers benefits on persons of a particular race, particular descent or particular ethnic or national origins ; or
 - (b) render unlawful an act which is done in order to comply with any such provision or with the provisions of any existing charitable instrument of any description.
- (2) In this section " charitable instrument " means an enactment passed or instrument made for purposes which are exclusively charitable according to the law of England and Wales and " future instrument " and " existing instrument " mean respectively an instrument taking effect after, and an instrument taking effect, before the commencement of this Act.

10 Acts done to safeguard national security.

- (1) Nothing in this Part of this Act shall render unlawful an act which is done for the purpose of safeguarding national security.
- (2) A certificate purporting to be signed by or on behalf of a Minister of the Crown and certifying that an act specified in the certificate was done for the purpose aforesaid shall be conclusive evidence that it was done for that purpose.

11 Conduct relating to acts abroad.

- (1) This Part of this Act shall not render unlawful—
- (a) any refusal or omission—
 - (i) to provide goods, services or facilities, other than travel facilities, outside Great Britain elsewhere than on a British ship or aircraft;
 - (ii) to provide any banking, financial or insurance facilities for a purpose to be carried out, or in connection with risks wholly or mainly arising, outside Great Britain; or
 - (iii) to dispose of land outside Great Britain ;
 - (b) any contract or term therein the main object of which is to do any act mentioned in paragraph (a)(i), (ii) or (iii) above;
- notwithstanding that the refusal or omission occurred or the contract was made in Great Britain or on a British ship or aircraft.
- (2) This Part of this Act shall not render unlawful an act done on a British ship while in the national waters or territorial waters of a country outside Great Britain, or on a British aircraft while in, or in flight over, such a country (or its territorial waters) if the act was done for the purpose of complying with the laws of that country.

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Supplemental

12 Incitement and accessories.

Any person who deliberately aids, induces or incites another person to do an act which is unlawful by virtue of any provision of this Part of this Act shall be treated for the purposes of this Act as doing that act.

13 Liability of employers, principals and agents.

- (1) Anything done by a person in the course of his employment shall be treated for the purposes of this Act as done by his employer as well as by him, whether or not it was done with the employer's knowledge or approval.
- (2) Anything done by a person as agent for another person with the authority (whether express or implied and whether precedent or subsequent) of that other person shall be treated for the purposes of this Act as done by that other person as well as by him.
- (3) In proceedings brought under section 19 or 20 of this Act against any person in respect of an act alleged to have been done by an employee of his it shall be a defence for that person to prove that he took such steps as were reasonably practicable to prevent the employee from doing in the course of his employment acts of the same description as that act.

PART II

CONCILIATION AND ENFORCEMENT

Consideration of Complaints

14 The Race Relations Board and conciliation committees.

- (1) There shall continue to be a Board known as the Race Relations Board constituted in accordance with this section instead of section 2(1) of the Race Relations Act 1965 and having the function of securing compliance with the provisions of Part I of this Act and the resolution of differences arising out of any of those provisions.
- (2) The Race Relations Board shall consist of a chairman and not more than eleven other members appointed by the Secretary of State.
- (3) The Board shall discharge their functions in accordance with arrangements made by the Board and approved by the Secretary of State.
- (4) The said arrangements may provide for the discharge under the general direction of the Board of the Board's functions in relation to any complaint or other matter falling to be dealt with by them, or in relation to any class of such matters, by a group of members of the Board selected by the chairman of the Board; and where any such functions are in accordance with such arrangements to be discharged by a group of members of the Board, anything done by or in relation to the group in or in connection with the discharge of those functions shall have the same effect as if done by or in relation to the Board.

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- (5) The Board shall constitute committees, to be known as conciliation committees, for such areas as the Board consider necessary for the purpose of assisting the Board in the discharge of their functions.
- (6) The provisions of Schedule 1 to this Act shall have effect with respect to the Board and the conciliation committees.
- (7) A conciliation committee shall make to the Board such periodical reports with respect to the exercise of their functions as the Board may require, and the Board shall, at such times as the Secretary of State may direct, make annual reports to the Secretary of State with respect to the exercise of their functions; and the Secretary of State shall lay before Parliament any report made to him under this subsection.

15 General provision as to investigation of complaints of discrimination.

- (1) This section applies to any complaint made to the Race Relations Board or a conciliation committee that an act has been done which is unlawful by virtue of any provision of Part I of this Act, except an act mentioned in section 16 below, and any reference in the following provisions of this section to a complaint shall be construed accordingly.
- (2) It shall be the duty of the Board or a conciliation committee to receive any complaint which is made to them within two months of the act complained of and also, if the Board think that special circumstances warrant its reception, any complaint made to them or a conciliation committee after the expiration of that period, if in either case the complaint is accompanied by the name and address of the person by whom it is made and, in the case of an act of discrimination against any person, it is made by him or with his written authority, and—
 - (a) the Board may refer any complaint received by them to a conciliation committee or may direct such a committee to refer to the Board a particular complaint received by the committee or a complaint of any class so received; and
 - (b) the Board and any conciliation committee shall respectively investigate any complaint received by them and not referred to the other and any complaint referred to them.
- (3) In investigating any complaint the Board or a conciliation committee—
 - (a) shall make such inquiries as they think necessary with regard to the facts alleged in the complaint and form an opinion whether any person has done any act which is unlawful by virtue of any provision of Part I of this Act; and
 - (b) in the case of a complaint that the act was one of discrimination against a particular person, shall use their best endeavours by communication with the parties concerned or otherwise to secure a settlement of any difference between them and, where appropriate, a satisfactory written assurance against any repetition of the act considered to be unlawful or the doing of further acts of a similar kind by the party against whom the complaint is made ; and
 - (c) in the case of any other complaint, shall, where appropriate, use their best endeavours to secure such an assurance as aforesaid.
- (4) If on investigating a complaint the Board form the opinion that an act has been done which is unlawful by virtue of any provision of Part I of this Act and either they are unable to secure such a settlement and assurance, or, as the case may be, such an assurance, as aforesaid, or it appears to them that the act was done in breach of

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a relevant assurance, they shall determine whether or not to bring proceedings under section 19 or 20 of this Act.

- (5) If on investigating a complaint a conciliation committee form the opinion that any such act as aforesaid has been done and either they are unable to secure such a settlement and assurance, or, as the case may be, such an assurance, as aforesaid, or it appears to them that the act was done in breach of a relevant assurance, they shall make a report to that effect to the Race Relations Board and the Board shall consider the report and shall either investigate the complaint themselves or, without investigating it, determine whether or not to bring proceedings under section 19 or 20 of this Act.
- (6) Where the Board or a conciliation committee investigate a complaint under subsection (2) or (5) above they shall on completing the investigation give a written notification to the parties stating—
 - (a) whether or not they have been able to form an opinion with respect to the complaint and, if they have, what opinion;
 - (b) whether or not they have secured such a settlement and assurance or, as the case may be, such an assurance as are mentioned in subsection (3) above; and
 - (c) what action, if any, they propose to take in the matter.
- (7) Where the Board come to a determination under subsection (5) above without investigating a complaint, they shall give the parties a written notification of their determination stating what action, if any, they propose to take in the matter.

16 Investigation of complaints relating to employment, trade unions and organisations of employers.

- (1) The provisions of Schedule 2 to this Act shall have effect with respect to any complaint made to the Secretary of State for Employment and Productivity, the Race Relations Board or a conciliation committee that an act has been done which is unlawful by virtue of any provision of Part I of this Act and is an act of discrimination with respect to employment or to membership of, or services or facilities provided by, an organisation of employers or workers or an act of aiding, inducing or inciting the doing of such an act of discrimination.
- (2) A Secretary of State may make regulations amending or repealing any provision of the said Schedule 2, but no regulations shall be made under this subsection unless a draft of the regulations has been laid before Parliament and approved by each House of Parliament.

17 Investigation of unlawful conduct where no complaint made.

- (1) If the Race Relations Board have reason to suspect, in consequence of an allegation made by any person that he has been discriminated against in contravention of any provision of Part I of this Act or for any other cause, that during the two months preceding the day on which the matter first comes to their notice, or such longer period as the Board may in special circumstances allow, an act has been done which is unlawful by virtue of any such provision, but no complaint has been made to them, to the Secretary of State for Employment and Productivity or to a conciliation committee or any complaint so made has been withdrawn, the Board may investigate the matter or refer it for investigation,—
 - (a) in the case of an investigation not relating to an act mentioned in section 16 above, in accordance with Part I of Schedule 3 to this Act; and

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- (b) in the case of an investigation relating to such an act, in accordance with Part II of that Schedule.
- (2) A Secretary of State may make regulations amending or repealing any provision of Part II of that Schedule, but no regulations shall be made under this subsection unless a draft of the regulations has been laid before Parliament and approved by each House of Parliament.

18 Assessors.

The Race Relations Board may appoint as assessors to assist the Board or any conciliation committee in their investigation of any complaint or other matter persons appearing to the Board to have special knowledge and experience of the circumstances in which the act to which the investigation relates is alleged to have occurred and of any other circumstances appearing to the Board to be relevant.

Legal proceedings

19 Nature of proceedings in England and Wales.

- (1) Civil proceedings may be brought in England and Wales by the Race Relations Board, in pursuance of a determination of theirs under section 15 of, or Schedule 2 or 3 to, this Act and not otherwise, in respect of any act alleged to be unlawful by virtue of any provision of Part I of this Act, and in those proceedings a claim—
 - (a) may be made for such an injunction as is mentioned in section 21 below ;
 - (b) may be made, on behalf of a person alleged to have suffered loss as a result of that act, for such damages as are mentioned in section 22 below;
 - (c) may be made for such an injunction and such damages ; or
 - (d) may be made for a declaration that that act is unlawful by virtue of that provision or any other provision of the said Part I;
 and in those proceedings, whether or not such a claim is made, an application may be made in accordance with section 23 below for revision of any contract or term in a contract alleged to contravene any such provision.
- (2) Notwithstanding anything to the contrary in any enactment or rule of law relating to the jurisdiction of county courts, proceedings under this section in England and Wales may be brought in a county court for the time being appointed to have jurisdiction to entertain such proceedings by an order made by the Lord Chancellor and shall not be brought in any other court.
- (3) An order under subsection (2) above appointing any court to have jurisdiction under this section shall assign to that court as its district for the purposes of this section any county court district or two or more county court districts.
- (4) An order under subsection (2) above may be varied or revoked by a subsequent order made thereunder.
- (5) An order for the discontinuance of the jurisdiction of any county court, whether wholly or within a part of the district assigned to it for the purposes of this section, may include provision with respect to any proceedings under this section commenced in that court before the order comes into operation.

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- (6) A county court appointed to have jurisdiction under this section shall have jurisdiction to entertain proceedings under this section with respect to things done on ships or aircraft outside the district assigned to the court for the purposes of this section, including things done on British ships or aircraft outside Great Britain.
- (7) In any proceedings under this section in England and Wales the judge shall be assisted by two assessors appointed from a list of persons prepared and maintained by the Lord Chancellor, being persons appearing to the Lord Chancellor to have special knowledge and experience of problems connected with race and community relations.
- (8) The remuneration of any assessors appointed under subsection (7) above shall be at such rate as may be determined by the Lord Chancellor with the approval of the Treasury and shall be defrayed out of moneys provided by Parliament.
- (9) Any proceedings brought under this section in England and Wales shall be included among the proceedings mentioned in section 109(2) of the County Courts Act 1959 (appeals on questions of fact).
- (10) Nothing in this Act shall affect the right to bring any proceedings in England and Wales, whether civil or criminal, which might have been brought if this Act had not been passed, but except as provided by subsection (1) above and this subsection no proceedings, whether civil or criminal, shall lie against any person in respect of any act which is unlawful by virtue only of a provision of Part I of this Act.

20 Nature of proceedings in Scotland.

- (1) Civil proceedings may be brought in Scotland by the Race Relations Board, in pursuance of a determination of theirs under section 15 of, or Schedule 2 or 3 to, this Act and not otherwise, in respect of any act alleged to be unlawful by virtue of any provision of Part I of this Act, and in those proceedings an application or claim—
 - (a) may be made for such an order as is mentioned in section 21 below;
 - (b) may be made, on behalf of a person alleged to have suffered loss as a result of that act, for such damages as are mentioned in section 22 below ;
 - (c) may be made for such an order and such damages; or
 - (d) may be made for declarator that that act is unlawful by virtue of that provision or any other provision of the said Part I;and in those proceedings, whether or not such an application or claim is made, an application may be made in accordance with section 23 below for revision of any contract or term in a contract alleged to contravene any such provision.
- (2) Notwithstanding anything to the contrary in any enactment or rule of law relating to the jurisdiction of sheriff courts, proceedings under this section may be brought in a sheriff court for the time being appointed to have jurisdiction to entertain such proceedings by an order made by the Secretary of State and, subject to subsection (9) below, shall not be brought in any other court.
- (3) An order under subsection (2) above appointing any court to have jurisdiction under this section shall assign to that court as its district for the purposes of this section any part or parts of any sheriffdom or two or more sheriffdoms.
- (4) An order under subsection (2) above may be varied or revoked by a subsequent order made thereunder.

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- (5) An order for the discontinuance of the jurisdiction of any sheriff court, whether wholly or within a part of the district assigned to it for the purposes of this section, may include provision with respect to any proceedings under this section commenced in that court before the order comes into operation.
- (6) A sheriff court appointed to have jurisdiction under this section shall have jurisdiction to entertain proceedings under this section with respect to things done on ships or aircraft outside the district assigned to the court for the purposes of this section, including things done on British ships or aircraft outside Great Britain.
- (7) In any proceedings under this section the sheriff shall be assisted by two assessors appointed from a list of persons prepared and maintained by the Secretary of State, being persons appearing to the Secretary of State to have special knowledge and experience of problems connected with race and community relations.
- (8) The remuneration of any assessors appointed under subsection (7) above shall be at such rate as may be determined by the Secretary of State with the approval of the Treasury and shall be defrayed out of moneys provided by Parliament.
- (9) An appeal shall lie to the Court of Session against any decision of the sheriff in proceedings under this section, or imposing on any person any punishment in respect of a breach of such an order as is mentioned in section 21 below, and on any such appeal the decision of the Court of Session shall be final.
- (10) Nothing in this Act shall affect the right to bring any proceedings in Scotland, whether civil or criminal, which might have been brought if this Act had not been passed, but except as provided by subsection (1) above and this subsection no proceedings, whether civil or criminal, shall lie against any person in respect of any act which is unlawful by virtue only of a provision of Part I of this Act.

21 Injunctions and orders.

- (1) In proceedings brought under section 19 above in which an injunction is claimed in respect of an act alleged to be unlawful by virtue of any provision of Part I of this Act the court, if satisfied—
 - (a) that the act was done by the defendant and was unlawful as aforesaid;
 - (b) that the defendant had previously engaged in conduct which was of the same kind as, or a similar kind to, that act and was unlawful as aforesaid; and
 - (c) that he is likely, unless restrained by order of the court, to engage in the future in such conduct;may grant such injunction as appears to the court to be proper in all the circumstances, being an injunction restraining the defendant from engaging in, or causing or permitting others to engage in, conduct of the same kind as that act, or conduct of any similar kind specified in an order of the court.
- (2) In proceedings brought under section 20 above in which an order is applied for in respect of an act alleged to be unlawful by virtue of any provision of Part I of this Act, the sheriff, if satisfied—
 - (a) that the act was done by any person and was unlawful as aforesaid;
 - (b) that that person had previously engaged in conduct which was of the same kind as, or a similar kind to, that act and was unlawful as aforesaid; and
 - (c) that he is likely, unless prohibited by an order of the court, to engage in the future in such conduct ;

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may make such order as appears to the court to be proper in all the circumstances, being an order prohibiting that person from engaging in, or causing or permitting others to engage in, conduct of the same kind as that act, or conduct of any similar kind specified in the order.

- (3) The court may, in determining for the purposes of any such proceedings as are mentioned in subsection (1) or (2) above whether or not a person has engaged in a course of conduct, take into account not only the act or acts to which the proceedings relate, but also any other act, whether or not the subject of an investigation under section 15 of, or Schedule 2 or 3 to, this Act.

22 Damages.

- (1) In proceedings brought under section 19 or 20 above in which damages are claimed on behalf of any person in respect of an act alleged to be unlawful by virtue of any provision of Part I of this Act the court, if satisfied that the act was done and was unlawful, may award—

- (a) special damages or, in Scotland, damages for any expenses reasonably incurred by him for the purpose of the transaction or activity out of which that act arose ; and
- (b) such damages as the court thinks just in all the circumstances for loss of opportunity, that is to say, loss of any benefit which that person might reasonably be expected to have had but for that act;

subject, however, to the application of the same rule concerning the duty of a person to mitigate his loss as applies in relation to damages recoverable under the common law of England and Wales or of Scotland, as the case may be.

- (2) A court shall not award damages under this section for loss of opportunity in respect of any person unless the court is satisfied that at the time of the unlawful act he was in a position to acquire the goods, services, facilities or land constituting or giving rise to the benefit or, as the case may be, had the qualifications necessary for him to obtain or retain the benefit.
- (3) Damages recovered under this section by the Race Relations Board in respect of any person shall be accounted for to him by the Board.

23 Validity and revision of contracts.

- (1) A contract or term in a contract which contravenes any provision of Part I of this Act shall not be void or unenforceable by reason only of the contravention, but may be revised in accordance with the following provisions of this section.
- (2) Any such contract or term in a contract may be revised by the court in proceedings under section 19 or 20 above on an application made by the Race Relations Board on behalf of any party to the contract or by any such party who is the defendant or, in Scotland, the defender, in the proceedings.
- (3) On an application under this section to revise a contract or term in a contract the court may, if it appears to the court feasible to do so without affecting the rights of persons who are not parties to the contract, make such order as it thinks just in all the circumstances revising the contract or term so as to secure that, as from the date of the order, it does not contravene any provision of Part I of this Act, and any party

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to the contract, whether or not a party to the application, shall be bound by the order accordingly.

- (4) Any reference in this section to a party to a contract shall, where the rights of that party are for the time being vested in any other person, be construed as a reference to that other person.

24 Privileged communications.

In proceedings under section 19 or 20 above evidence of any communication made, other than an assurance given, to the Secretary of State for Employment and Productivity, the Race Relations Board, a conciliation committee or a body of persons to whom a complaint or other matter is referred under Schedule 2 or 3 to this Act, or any officer or servant of the Secretary of State, the Board or such a committee or body, for the purpose of or in connection with the exercise of their functions under this Part of this Act shall not be admitted except with the consent of the person by whom it was made.

PART III

MISCELLANEOUS AND GENERAL

25 The Community Relations Commission.

- (1) There shall be constituted a Commission to be known as the Community Relations Commission consisting of a chairman and not more than eleven other members appointed by the Secretary of State.
- (2) The provisions of Schedule 4 to this Act shall have effect with respect to the Commission.
- (3) It shall be the duty of the Commission—
- (a) to encourage the establishment of, and assist others to take steps to secure the establishment of, harmonious community relations and to co-ordinate on a national basis the measures adopted for that purpose by others ; and
 - (b) to advise the Secretary of State on any matter referred to the Commission by him and to make recommendations to him on any matter which the Commission consider should be brought to his attention.
- (4) For the purpose of discharging their functions under subsection (3) (a) above the Commission may—
- (a) establish services for giving advice on community relations to local authorities and other local organisations concerned therewith and for collecting information with respect to community relations ;
 - (b) provide courses of training in connection with community relations; and
 - (c) arrange or promote the holding of conferences on matters connected with community relations.
- (5) Without prejudice to subsection (3) above, the Commission may—
- (a) subject to subsection (6) below, give financial assistance to any local organisations appearing to the Commission to be concerned with community relations ;

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- (b) with the approval of the Secretary of State, appoint advisory committees for the purpose of such of their functions as the Commission think fit.
- (6) The Commission shall not give any financial assistance under subsection (5)(a) above out of moneys provided by Parliament except with the approval of the Secretary of State and the consent of the Treasury.
- (7) The Commission shall, at such times as the Secretary of State may direct, make annual reports to him with respect to the exercising of their functions; and the Secretary of State shall lay any such report before Parliament.

26 Research.

- (1) The Secretary of State may conduct or assist in conducting research into any matter connected with relations between people of different colour, race or ethnic or national origins.
- (2) Any expenses incurred by the Secretary of State with the consent of the Treasury for the purposes of his functions under this section shall be defrayed out of moneys provided by Parliament.

27 Application to the Crown, the police and public bodies.

- (1) This Act binds the Crown.
- (2) The provisions of Parts II to IV of the Crown Proceedings Act 1947 shall apply to proceedings against the Crown under section 19 above as they apply to proceedings in England and Wales which by virtue of section 23 of that Act are treated for the purposes of Part II of that Act as civil proceedings by or against the Crown, except that in their application to proceedings under the said section 19—
 - (a) section 20 of that Act (removal of proceedings from county court to High Court) shall not apply; and
 - (b) section 28 of that Act (discovery) shall have effect subject to section 24 of this Act;and any restriction in the said provisions on the bringing of proceedings in tort shall apply to proceedings against the Crown under the said section 19.
- (3) The provisions of Parts II to V of the Crown Proceedings Act 1947 shall apply to proceedings against the Crown under section 20 above as they apply to proceedings in Scotland by or against the Crown under that Act, except that in their application to proceedings under the said section 20—
 - (a) the proviso to section 44 of that Act (remission of proceedings from sheriff court to Court of Session) shall not apply; and
 - (b) section 47 of that Act (recovery of documents) shall have effect subject to section 24 of this Act;and any restriction in the said provisions on the bringing of any proceedings in respect of any such act or omission as is described in section 43(b) of that Act shall apply to proceedings against the Crown under the said section 20.
- (4) For the purposes of this Act the office of constable shall be treated as if it were employment and a constable shall be treated as if he were employed by the authority by whom he is appointed, except that a constable appointed by justices of the peace on the nomination or application of any authority shall be treated as if he were employed

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- by the authority on whose nomination or application he is appointed, and accordingly the authority by whom or, as the case may be, on whose nomination or application a constable is appointed shall be treated for those purposes as if he or they were an employer or employers.
- (5) A police cadet shall be treated for those purposes as if he were employed by the authority by whom he is appointed and accordingly—
- (a) any such authority shall be treated for those purposes as if he were an employer; and
 - (b) section 17(3) of the Police Act 1964 and section 8(3) of the Police (Scotland) Act 1967 (police authority to be treated as the employer of a police cadet for certain purposes) shall not apply for the purposes of this Act.
- (6) Where by virtue of subsection (4) or (5) above a chief officer of police is treated as if he were the employer of any constable or police cadet, there shall be paid out of the police fund or, in Scotland, by the police authority—
- (a) any damages, costs or expenses awarded against the chief officer of police in any proceedings brought against him under Part II of this Act and any costs or expenses incurred by him in any such proceedings so far as not recovered by him in the proceedings ; and
 - (b) any sum required by him in connection with the settlement of any claim made against him by virtue of this section, including any settlement made under Part II of this Act, if the settlement is approved by the police authority.
- (7) Any proceedings under Part II of this Act which by virtue of subsection (4) or (5) above and apart from this subsection would lie against a chief officer of police shall be brought against the chief officer of police for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of the chief officer of police; and references in subsection (6) above to the chief officer of police shall be construed accordingly.
- (8) Section 8(2) and (3) of this Act shall have effect as if any reference to employment, work or persons employed in an undertaking or part of an undertaking included a reference to employment, work or persons employed in the service of the Crown or in any government department or any police force, or part thereof.
- (9) Nothing in this Act shall—
- (a) invalidate any rules (whether made before or after the passing of this Act) restricting employment in the service of the Crown or by any public body prescribed for the purposes of this subsection by regulations made by the Treasury to persons of particular birth, citizenship, nationality, descent or residence; or
 - (b) render unlawful the publication, display or implementation of any such rules or the publication or display of advertisements stating the gist of any such rules.
- (10) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) References in this section to the Crown include references to Her Majesty in right of the Duchy of Lancaster or the Duke of Cornwall.
- (12) In this section " public body " means a body of persons, whether corporate or unincorporate, carrying on a service or undertaking of a public nature and expressions

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used in subsections (6) and (7) above and in the Police Act 1964 have the same meaning in those subsections as they have in that Act.

In the application of this subsection to Scotland, for the reference to the Police Act 1964 there shall be substituted a reference to the Police (Scotland) Act 1967.

28 Supplementary.

- (1) In this Act, except so far as the context otherwise requires—
 - " act " includes omission, and any reference to an act or other thing done shall be construed accordingly ;
 - " British ship or aircraft " means a ship or aircraft registered in the United Kingdom or belonging to the Crown or to a Government Department or for the time being in possession of such a Department;
 - " community relations " means relations within the community between people of different colour, race or ethnic or national origins ;
 - " disposal ", in relation to land, includes granting a right to occupy land and any reference to acquiring land shall be construed accordingly;
 - " relevant assurance " means an assurance given for the purposes of section 15(3) of this Act or paragraph 3 of Schedule 2 or paragraph 2 or 8 of Schedule 3 thereto.
- (2) Any reference in sections 1 to 6 of this Act to the doing of anything by any person is a reference to the doing of that thing by him as employer or employee or as principal or agent.
- (3) For the purposes of this Act the territorial waters of Great Britain shall be treated as forming part of Great Britain.
- (4) Any reference in this Act to the territorial waters of a country is a reference to such part of the sea adjacent to the coast of that country as is recognised by international law as forming the territorial waters of that country.
- (5) Any reference in this Act to a body of persons shall, in relation to any description of employment, disputes about which are normally considered by an organisation of such bodies, be construed as a reference to that organisation.
- (6) Any power conferred by this Act on a Minister of the Crown or the Treasury to make regulations or orders shall be exercisable by statutory instrument.
- (7) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.
- (8) The following provisions of the Race Relations Act 1965, that is to say, sections 1 to 4 and 8(2), the words of exception in section 8(3) and the Schedule, are hereby repealed except as respect things done before the commencement of this Act.
- (9) Anything which was done before the commencement of this Act in contravention of section 1 of the said Act of 1965 and would, if done after the commencement of this Act, have contravened section 2 of this Act shall be taken into account in determining under section 21(1) or (2) of this Act whether an injunction should be granted or an order made in respect of an act of discrimination in contravention of the said section 2.

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- (10) Any local conciliation committee constituted under the said Act of 1965 before the commencement of this Act shall be treated for the purposes of this Act or any enactment thereby amended as a conciliation committee constituted under this Act, and any person appointed to be a member, officer or servant of the Race Relations Board or a local conciliation committee and holding office as such immediately before the commencement of this Act shall be so treated as having been appointed to the Board or the conciliation committee, as the case may be, under this Act.

29 Short title, citation, commencement and extent.

- (1) This Act may be cited as the Race Relations Act 1968.
- (2) The Race Relations Act 1965 and this Act may be cited together as the Race Relations Acts 1965 and 1968.
- (3) This Act shall come into operation at the expiration of one month from the date of its passing.
- (4) This Act, except so much thereof as amends the House of Commons Disqualification Act 1957, does not extend to Northern Ireland.