



# Race Relations Act 1976 (Repealed)

## 1976 CHAPTER 74

### PART II

#### DISCRIMINATION IN THE EMPLOYMENT FIELD

##### *Discrimination by other bodies*

#### 10 Partnerships.

- (1) It is unlawful for a firm consisting of six or more partners, in relation to a position as partner in the firm, to discriminate against a person—
- (a) in the arrangements they make for the purpose of determining who should be offered that position; or
  - (b) in the terms on which they offer him that position; or
  - (c) by refusing or deliberately omitting to offer him that position; or
  - (d) in a case where the person already holds that position—
    - (i) in the way they afford him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or
    - (ii) by expelling him from that position, or subjecting him to any other detriment.

[<sup>F1</sup>(1A) The limitation of subsection (1) to six or more partners does not apply in relation to discrimination on grounds of race or ethnic or national origins.

(1B) It is unlawful for a firm, in relation to a position as a partner in the firm, to subject to harassment a person who holds or has applied for that position.]

(2) [<sup>F2</sup>Subsections (1), (1A) and (1B)] shall apply in relation to persons proposing to form themselves into a partnership as it applies in relation to a firm.

(3) Subsection (1)(a) and (c) do not apply to a position as partner where, if it were employment, [<sup>F3</sup>section 4A or 5 would apply to such employment].

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- (4) In the case of a limited partnership references in this section to a partner shall be construed as references to a general partner as defined in section 3 of the <sup>M1</sup>Limited Partnerships Act 1907.
- [<sup>F4</sup>(5) This section applies to a limited liability partnership as it applies to a firm; and, in its application to a limited liability partnership, references to a partner in a firm are references to a member of the limited liability partnership.]
- [<sup>F5</sup>(6) In subsection (1)(d)(ii) reference to the expulsion of a person from a position as partner includes, where the discrimination is on grounds of race or ethnic or national origins, reference—
- (a) to the termination of that person’s partnership by the expiration of any period (including a period expiring by reference to an event or circumstance), not being a termination immediately after which the partnership is renewed on the same terms; and
  - (b) to the termination of that person’s partnership by any act of his (including the giving of notice) in circumstances such that he is entitled to terminate it without notice by reason of the conduct of the other partners.]

#### Textual Amendments

- F1** S. 10(1A)(1B) inserted (19.7.2003) by *The Race Relations Act 1976 (Amendment) Regulations 2003* (S.I. 2003/1626), **reg. 12(a)**
- F2** Words in s. 10(2) substituted (19.7.2003) by *The Race Relations Act 1976 (Amendment) Regulations 2003* (S.I. 2003/1626), **reg. 12(b)**
- F3** Words in s. 10(3) substituted (19.7.2003) by *The Race Relations Act 1976 (Amendment) Regulations 2003* (S.I. 2003/1626), **reg. 12(c)**
- F4** S. 10(5) inserted (6.4.2001) by S.I. 2001/1090, **reg. 9, Sch. 5 para. 7.**
- F5** S. 10(6) inserted (19.7.2003) by *The Race Relations Act 1976 (Amendment) Regulations 2003* (S.I. 2003/1626), **reg. 12(d)**

#### Marginal Citations

- M1** 1907 c. 24.

## 11 Trade unions etc.

- (1) This section applies to an organisation of workers, an organisation of employers, or any other organisation whose members carry on a particular profession or trade for the purposes of which the organisation exists.
- (2) It is unlawful for an organisation to which this section applies, in the case of a person who is not a member of the organisation, to discriminate against him—
  - (a) in the terms on which it is prepared to admit him to membership; or
  - (b) by refusing or deliberately omitting to accept, his application for membership.
- (3) It is unlawful for an organisation to which this section applies, in the case of a person who is a member of the organisation, to discriminate against him—
  - (a) in the way it affords him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or
  - (b) by depriving him of membership, or varying the terms on which he is a member; or

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(c) by subjecting him to any other detriment.

[<sup>F6</sup>(4) It is unlawful for an organisation to which this section applies, in relation to a person's membership or application for membership of that organisation, to subject him to harassment.]

#### Textual Amendments

**F6** S. 11(4) inserted (19.7.2003) by [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\)](#), [reg. 13](#)

## 12 Qualifying bodies.

(1) It is unlawful for an authority or body which can confer an authorisation or qualification which is needed for, or facilitates, engagement in a particular profession or trade to discriminate against a person—

- (a) in the terms on which it is prepared to confer on him that authorisation or qualification; or
- (b) by refusing, or deliberately omitting to grant, his application for it; or
- (c) by withdrawing it from him or varying the terms on which he holds it.

[<sup>F7</sup>(1A) It is unlawful for an authority or body to which subsection (1) applies, in relation to an authorisation or qualification conferred by it, to subject to harassment a person who holds or applies for such an authorisation or qualification.]

(2) In this section—

- (a) “authorisation or qualification” includes recognition, registration, enrolment, approval and certification;
- (b) “confer” includes renew or extend.

[<sup>F8</sup>(3) Subsections (1) and (1A) do not apply to discrimination or harassment which is rendered unlawful by section 17 or 18.]

#### Textual Amendments

**F7** S. 12(1A) inserted (19.7.2003) by [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\)](#), [reg. 14\(a\)](#)

**F8** S. 12(3) substituted (19.7.2003) by [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\)](#), [reg. 14\(b\)](#)

## [<sup>F9</sup>13 Persons concerned with provision of vocational training.

(1) It is unlawful, in the case of an individual seeking or undergoing training which would help fit him for any employment, for any person who provides, or makes arrangements for the provision of, facilities for such training to discriminate against him—

- (a) in the terms on which that person affords him access to any training course or other facilities concerned with such training; or
- (b) by refusing or deliberately omitting to afford him such access; or
- (c) by terminating his training; or
- (d) by subjecting him to any detriment during the course of his training.

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- (2) Subsection (1) does not apply to—
- (a) discrimination which is rendered unlawful by section 4(1) or (2) or section 17 or 18; or
  - (b) discrimination which would be rendered unlawful by any of those provisions but for the operation of any other provision of this Act.

[ It is unlawful for any person who provides, or makes arrangements for the provision <sup>F10</sup>(3) of, facilities for training to which subsection (1) applies, in relation to such facilities or training, to subject to harassment a person to whom he provides such training or who is seeking to undergo such training.

- (4) Subsection (3) does not apply to harassment which is rendered unlawful by section 4(2A) or by section 17 or 18.]]

#### Textual Amendments

**F9** S. 13 substituted by [Employment Act 1989 \(c. 38, SIF 43:1, 106:1\), s. 7\(2\)](#)

**F10** S. 13(3)(4) inserted (19.7.2003) by [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\), reg. 15](#)

## 14 Employment agencies.

- (1) It is unlawful for an employment agency to discriminate against a person—
- (a) in the terms on which the agency offers to provide any of its services; or
  - (b) by refusing or deliberately omitting to provide any of its services; or
  - (c) in the way it provides any of its services.

[<sup>F11</sup>(1A) It is unlawful for an employment agency, in relation to the provision of its services, to subject to harassment a person to whom it provides such services or who requests the provision of such services.]

[<sup>F12</sup>(2) It is unlawful for a local education authority or education authority or any other person to do any act in providing services in pursuance of arrangements made, or a direction given, under section 10 of the Employment and Training Act 1973 which constitutes discrimination [<sup>F13</sup>or harassment] .]

- (3) References in [<sup>F14</sup>subsections (1) and (1A)] to the services of an employment agency include guidance on careers and any other services related to employment.
- (4) This section does not apply if the discrimination only concerns employment which the employer could lawfully refuse to offer the person in question.
- (5) An employment agency or local education authority [<sup>F15</sup>, education authority or other person] shall not be subject to any liability under this section if it proves—
- (a) that it acted in reliance on a statement made to it by the employer to the effect that, by reason of the operation of subsection (4), its action would not be unlawful; and
  - (b) that it was reasonable for it to rely on the statement.

- (6) A person who knowingly or recklessly makes a statement such as is referred to in subsection (5)(a) which in a material respect is false or misleading commits an offence, and shall be liable on summary conviction to a fine not exceeding [<sup>F16</sup>level 5 on the standard scale].

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#### Textual Amendments

- F11** S. 14(1A) inserted (19.7.2003) by [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\)](#), **reg. 16(a)**
- F12** S. 14(2) substituted (1.4.1994 for E. and S. and 1.4.1995 for all other purposes) by [1993 c. 19, s. 49\(2\)](#), **Sch. 8 para. 9(a)**; [S.I. 1993/2503, art. 2\(3\)](#), **Sch. 3**.
- F13** Words in s. 14(2) inserted (19.7.2003) by [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\)](#), **reg. 16(b)**
- F14** Words in s. 14(3) substituted (19.7.2003) by [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\)](#), **reg. 16(c)**
- F15** Words in s. 14(5) substituted (1.4.1994 for E. and S. and 1.4.1995 for all other purposes) by [1993 c. 19, s. 49\(2\)](#), **Sch. 8 para. 9(b)**; [S.I. 1993/2503, art. 2\(3\)](#), **Sch. 3**.
- F16** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

## 15 Manpower Services Commission etc.

[<sup>F17</sup>(1) It is unlawful for the [<sup>F18</sup>Secretary of State <sup>F19</sup>. . . ] to discriminate [<sup>F20</sup>or to subject a person to harassment] in the provision of facilities or services under section 2 of the Employment and Training Act 1973]

[<sup>F21</sup>(1A) It is unlawful for Scottish Enterprise or Highlands and Islands Enterprise to discriminate [<sup>F20</sup>or to subject a person to harassment] in the provision of facilities or services under such arrangements as are mentioned in section 2(3) of the Enterprise and New Towns (Scotland) Act 1990 (arrangements analogous to arrangements in pursuance of section 2 of the said Act of 1973).]

(2) This section does not apply in a case where—

- (a) section 13 applies; or
- (b) the [<sup>F22</sup>Secretary of State] is acting as an employment agency.

#### Textual Amendments

- F17** S. 15(1) substituted by [Employment and Training Act 1981 \(c. 57, SIF 43:1\)](#), s. 9, **Sch. 2 para. 20**
- F18** Words substituted by [Employment Act 1988 \(c. 19, SIF 43:5\)](#), s. 33, **Sch. 3 Pt. II para. 12(2)**
- F19** Words repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), **Sch. 7 Pt. I**
- F20** Words in s. 15(1)(1A) inserted (19.7.2003) by [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\)](#), **reg. 17**
- F21** S. 15(1A) inserted (S.) (1.4.1991) by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), **s. 18**
- F22** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1, 106:1\)](#), s. 29(3), **Sch. 6 para. 15**

**Status:**

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**Changes to legislation:**

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