



Race Relations Act 1976 (Repealed)

1976 CHAPTER 74

PART VI

GENERAL EXCEPTIONS FROM PARTS II TO IV

35 Special needs of racial groups in regard to education, training or welfare.

—Nothing in Parts II to IV shall render unlawful any act done in affording persons of a particular racial group access to facilities or services to meet the special needs of persons of that group in regard to their education, training or welfare, or any ancillary benefits.

36 Provision of education or training for persons not ordinarily resident in Great Britain.

—Nothing in Parts II to IV shall render unlawful any act done by a person [^{F1}, on grounds other than race or ethnic or national origins,] for the benefit of persons not ordinarily resident in Great Britain in affording them access to facilities for education or training or any ancillary benefits, where it appears to him that the persons in question do not intend to remain in Great Britain after their period of education or training there.

Textual Amendments

- F1** Words in s. 36 inserted (19.7.2003) by [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\)](#), [reg. 34](#)

37 Discriminatory training by certain bodies.

- (1) Nothing in Parts II to IV shall render unlawful any act done in relation to particular work by [^{F2}any person] in or in connection with—
- (a) affording only persons of a particular racial group access to facilities for training which would help to fit them for that work; or

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- (b) encouraging only persons of a particular racial group to take advantage of opportunities for doing that work,
 where [^{F2}it reasonably appears to that person] that at any time within the twelve months immediately preceding the doing of the act—
- (i) there were no persons of that group among those doing that work in Great Britain; or
 - (ii) the proportion of persons of that group among those doing that work in Great Britain was small in comparison with the proportion of persons of that group among the population of Great Britain.
- (2) Where in relation to particular work [^{F3}it reasonably appears to any person] that although the condition for the operation of subsection (1) is not met for the whole of Great Britain it is met for an area within Great Britain, nothing in Parts II to IV shall render unlawful any act done by [^{F3}that person] in or in connection with—
- (a) affording persons who are of the racial group in question, and who appear likely to take up that work in that area, access to facilities for training which would help to fit them for that work; or
 - (b) encouraging persons of that group to take advantage of opportunities in the area for doing that work.
- [^{F4}(3) The preceding provisions of this section shall not apply to any discrimination which is rendered unlawful by section 4(1) or (2).]

Textual Amendments

- F2** Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1, 106:1\), s. 7\(3\)\(a\)](#)
F3 Words substituted by [Employment Act 1989 \(c. 38, SIF 43:1, 106:1\), s. 7\(3\)\(b\)](#)
F4 [S. 37\(3\)](#) substituted by [Employment Act 1989 \(c. 38, SIF 43:1, 106:1\), s. 7\(3\)\(c\)](#)

38 Other discriminatory training etc.

- (1) Nothing in Parts II to IV shall render unlawful any act done by an employer in relation to particular work in his employment at a particular establishment in Great Britain, being an act done in or in connection with—
- (a) affording only those of his employees working at that establishment who are of a particular racial group access to facilities for training which would help to fit them for that work; or
 - (b) encouraging only persons of a particular racial group to take advantage of opportunities for doing that work at that establishment,
- where any of the conditions in subsection (2) was satisfied at any time within the twelve months immediately preceding the doing of the act.
- (2) Those conditions are—
- (a) that there are no persons of the racial group in question among those doing that work at that establishment; or
 - (b) that the proportion of persons of that group among those doing that work at that establishment is small in comparison with the proportion of persons of that group—
 - (i) among all those employed by that employer there; or

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- (ii) among the population of the area from which that employer normally recruits persons for work in his employment at that establishment.
- (3) Nothing in section 11 shall render unlawful any act done by an organisation to which that section applies in or in connection with—
- (a) affording only members of the organisation who are of a particular racial group access to facilities for training which would help to fit them for holding a post of any kind in the organisation; or
 - (b) encouraging only members of the organisation who are of a particular racial group to take advantage of opportunities for holding such posts in the organisation,
- where either of the conditions in subsection (4) was satisfied at any time within the twelve months immediately preceding the doing of the act.
- (4) Those conditions are—
- (a) that there are no persons of the racial group in question among persons holding such posts in that organisation; or
 - (b) that the proportion of persons of that group among those holding such posts in that organisation is small in comparison with the proportion of persons of that group among the members of the organisation.
- (5) Nothing in Parts II to IV shall render unlawful any act done by an organisation to which section 11 applies in or in connection with encouraging only persons of a particular racial group to become members of the organisation where at any time within the twelve months immediately preceding the doing of the act—
- (a) no persons of that group were members of the organisation; or
 - (b) the proportion of persons of that group among members of the organisation was small in comparison with the proportion of persons of that group among those eligible for membership of the organisation.
- (6) Section 8 (meaning of employment at establishment in Great Britain) shall apply for the purposes of this section as if this section were contained in Part II.

39 Sports and competitions.

—Nothing in Parts II to IV shall render unlawful any act whereby a person discriminates against another on the basis of that other's nationality or place of birth or the length of time for which he has been resident in a particular area or place, if the act is done—

- (a) in selecting one or more persons to represent a country, place or area, or any related association, in any sport or game; or
- (b) in pursuance of the rules of any competition so far as they relate to eligibility to compete in any sport or game.

40 Indirect access to benefits etc.

- (1) References in this Act to the affording by any person of access to benefits, facilities or services are not limited to benefits, facilities or services provided by that person himself, but include any means by which it is in that person's power to facilitate access to benefits, facilities or services provided by any other person (the "actual provider").

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- (2) Where by any provision of this Act the affording by any person of access to benefits, facilities or services in a discriminatory way is in certain circumstances prevented from being unlawful, the effect of the provision shall extend also to the liability under this Act of any actual provider.

41 Acts done under statutory authority etc.

- (1) Nothing in Parts II to IV shall render unlawful any act of discrimination done—
- (a) in pursuance of any enactment or Order in Council; or
 - (b) in pursuance of any instrument made under any enactment by a Minister of the Crown; or
 - (c) in order to comply with any condition or requirement imposed by a Minister of the Crown (whether before or after the passing of this Act) by virtue of any enactment.

References in this [^{F5}section] to an enactment, Order in Council or instrument include an enactment, Order in Council or instrument passed or made after the passing of this Act.

[^{F6}(1A) Subsection (1) does not apply to an act which is unlawful, on grounds of race or ethnic or national origins, by virtue of a provision referred to in section 1(1B).]

- (2) Nothing in Parts II to IV shall render unlawful any act whereby a person discriminates against another on the basis of that other's nationality or place of ordinary residence or the length of time for which he has been present or resident in or outside the United Kingdom or an area within the United Kingdom, if that act is done—
- [^{F7}(a) in pursuance of any enactment or Order in Council; or
 - (b) in pursuance of any instrument made under any enactment by a Minister of the Crown; or
 - (c) in order to comply with any requirement imposed by a Minister of the Crown (whether before or after the passing of this Act) by virtue of any enactment; or
 - (d) in pursuance of any arrangements made (whether before or after the passing of this Act) by or with the approval of, or for the time being approved by, a Minister of the Crown; or
 - (e) in order to comply with any condition imposed (whether before or after the passing of this Act) by a Minister of the Crown]

Textual Amendments

F5 Word in s. 41(1) substituted (19.7.2003) by [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\)](#), [reg. 35\(a\)](#)

F6 S. 41(1A) inserted (19.7.2003) by [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\)](#), [reg. 35\(b\)](#)

F7 S. 41(2)(a)-(e) substituted (19.7.2003) for s. 41(2)(a)(b) by [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\)](#), [reg. 35\(c\)](#)

Modifications etc. (not altering text)

C1 S. 41: amended (1.7.1999) by [S.I. 1999/672](#), [art. 2](#), [Sch. 1](#)

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42 Acts safeguarding national security.

—Nothing in Parts II to IV shall render unlawful an act done for the purpose of safeguarding national security [^{F8}if the doing of the act was justified by that purpose].

Textual Amendments

F8 Words in s. 42 added (2.4.2001) by 2000 c. 34, s. 7(1) (with s. 10(5)); S.I. 2001/566, art. 2(1)

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