



Race Relations Act 1976

1976 CHAPTER 74

PART X

SUPPLEMENTAL

71 Local authorities: general statutory duty

Without prejudice to their obligation to comply with any other provision of this Act, it shall be the duty of every local authority to make appropriate arrangements with a view to securing that their various functions are carried out with due regard to the need—

- (a) to eliminate unlawful racial discrimination; and
- (b) to promote equality of opportunity, and good relations, between persons of different racial groups.

72 Validity and revision of contracts

- (1) A term of a contract is void where—
 - (a) its inclusion renders the making of the contract unlawful by virtue of this Act; or
 - (b) it is included in furtherance of an act rendered unlawful by this Act; or
 - (c) it provides for the doing of an act which would be rendered unlawful by this Act.
- (2) Subsection (1) does not apply to a term the inclusion of which constitutes, or is in furtherance of, or provides for, unlawful discrimination against a party to the contract, but the term shall be unenforceable against that party.
- (3) A term in a contract which purports to exclude or limit any provision of this Act is unenforceable by any person in whose favour the term would operate apart from this subsection.
- (4) Subsection (3) does not apply—
 - (a) to a contract settling a complaint to which section 54(1) applies where the contract is made with the assistance of a conciliation officer; or

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(b) to a contract settling a claim to which section 57 applies.

- (5) On the application of any person interested in a contract to which subsection (2) applies, a designated county court or a sheriff court may make such order as it thinks just for removing or modifying any term made unenforceable by that subsection ; but such an order shall not be made unless all persons affected have been given notice of the application (except where under rules of court notice may be dispensed with) and have been afforded an opportunity to make representations to the court.
- (6) An order under subsection (5) may include provision as respects any period before the making of the order.

73 Power to amend certain provisions of Act

- (1) The Secretary of State may by an order the draft of which has been approved by each House of Parliament—
- (a) amend or repeal section 9 (including that section as amended by a previous order under this subsection),
 - (b) amend Part II, III or IV so as to render lawful an act which, apart from the amendment, would be unlawful by reason of section 4(1) or (2), 20(1), 21, 24 or 25 ;
 - (c) amend section 10(1) or 25(1)(a) so as to alter the number of partners or members specified in that provision.
- (2) The Secretary of State shall not lay before Parliament the draft of an order under subsection (1) unless he has consulted the Commission about the contents of the draft.

74 Orders and regulations

- (1) Any power of a Minister of the Crown to make orders or regulations under the provisions of this Act (except sections 13(2)(d), 37(3)(b) and 50(2)(a)) shall be exercisable by statutory instrument.
- (2) An order made by a Minister of the Crown under the preceding provisions of this Act (except sections 13(2)(d), 37(3)(b), 50(2)(a) and 73(1)), and any regulations made under section 75(5)(a), shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) An order under this Act may make different provision in relation to different cases or classes of case, may exclude certain cases or classes of case, and may contain transitional provisions and savings.
- (4) Any power conferred by this Act to make orders includes power (exercisable in the like manner and subject to the like conditions) to vary or revoke any order so made.
- (5) Any document purporting to be an order made by the Secretary of State under section 13(2)(d), 37(3)(b) or 50(2)(a) and to be signed by him or on his behalf shall be received in evidence, and shall, unless the contrary is proved, be deemed to be made by him.

75 Application to Crown etc.

- (1) This Act applies—

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- (a) to an act done by or for purposes of a Minister of the Crown or government department; or
- (b) to an act done on behalf of the Crown by a statutory body, or a person holding a statutory office,

as it applies to an act done by a private person.

(2) Parts II and IV apply to—

- (a) service for purposes of a Minister of the Crown or government department, other than service of a person holding a statutory office ; or
- (b) service on behalf of the Crown for purposes of a person holding a statutory office or purposes of a statutory body; or
- (c) service in the armed forces,

as they apply to employment by a private person, and shall so apply as if references to a contract of employment included references to the terms of service.

(3) Subsections (1) and (2) have effect subject to section 16.

(4) Subsection (2) of section 8 and subsection (4) of section 27 shall have effect in relation to any ship, aircraft or hovercraft belonging to or possessed by Her Majesty in right of the Government of the United Kingdom as it has effect in relation to a ship, aircraft or hovercraft such as is mentioned in paragraph (a) or (b) of the subsection in question; and section 8(3) shall apply accordingly.

(5) 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 Minister for the Civil Service to persons of particular birth, nationality, descent or residence ; or
- (b) render unlawful the publication, display or implementation of any such rules, or the publication of advertisements stating the gist of any such rules.

In this subsection " employment " includes service of any kind, and " public body " means a body of persons, whether corporate or unincorporate, carrying on a service or undertaking of a public nature.

(6) The provisions of Parts II to IV of the Crown Proceedings Act 1947 shall apply to proceedings against the Crown under this Act 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 this Act section 20 of that Act (removal of proceedings from county court to High Court) shall not apply.

(7) The provisions of Part V of the Crown Proceedings Act 1947 shall apply to proceedings against the Crown under this Act as they apply to proceedings in Scotland which by virtue of the said Part are treated as civil proceedings by or against the Crown, except that in their application to proceedings under this Act the proviso to section 44 of that Act (removal of proceedings from the sheriff court to the Court of Session) shall not apply.

(8) This subsection applies to any complaint by a person (" the complainant ") that another person—

- (a) has committed an act of discrimination against the complainant which is unlawful by virtue of section 4 ; or

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- (b) is by virtue of section 32 or 33 to be treated as having committed such an act of discrimination against the complainant,
if at the time when the act complained of was done the complainant was serving in the armed forces and the discrimination in question relates to his service in those forces.
- (9) Section 54(1) shall not apply to a complaint to which subsection (8) applies, but any such complaint may be made, and if made shall be dealt with, in accordance with whichever of the following provisions for the redress of complaints is appropriate, namely section 130 of the Naval Discipline Act 1957, section 180 or 181 of the Army Act 1955 or section 180 or 181 of the Air Force Act 1955.
- (10) In this section—
- (a) " the armed forces " means any of the naval, military or air forces of the Crown (including any women's service administered by the Defence Council);
 - (b) " statutory body " means a body set up by or in pursuance of an enactment, and " statutory office " means an office so set up ; and
 - (c) service " for purposes of " a Minister of the Crown or government department does not include service in any office in Schedule 2 (Ministerial offices) to the House of Commons Disqualification Act 1975 as for the time being in force.

76 Government appointments outside s. 4

- (1) This section applies to any appointment by a Minister of the Crown or government department to an office or post where section 4 does not apply in relation to the appointment.
- (2) In making the appointment, and in making the arrangements for determining who should be offered the office or post, the Minister of the Crown or government department shall not do an act which would be unlawful under section 4 if the Crown were the employer for the purposes of this Act.

77 Financial provisions

There shall be defrayed out of money provided by Parliament—

- (a) sums required by the Secretary of State for making payments under paragraph 5 or 16 of Schedule 1 or paragraph 12 of Schedule 2, and for defraying any other expenditure falling to be made by him under or by virtue of this Act;
- (b) any expenses incurred by the Secretary of State with the consent of the Treasury in undertaking, or financially assisting the undertaking by other persons of, research into any matter connected with relations between persons of different racial groups;
- (c) payments falling to be made under section 67(5) in respect of the remuneration of assessors ; and
- (d) any increase attributable to the provisions of this Act in the sums payable out of money provided by Parliament under any other Act.

78 General interpretation provisions

- (1) In this Act, unless the context otherwise requires—
 - " access " shall be construed in accordance with section 40;
 - " act " includes a deliberate omission ;

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" advertisement " includes every form of advertisement or notice, whether to the public or not, and whether in a newspaper or other publication, by television or radio, by display of notices, signs, labels, showcards or goods, by distribution of samples, circulars, catalogues, price lists or other material, by exhibition of pictures, models or films, or in any other way, and references to the publishing of advertisements shall be construed accordingly;

" the Commission " means the Commission for Racial Equality;

" Commissioner " means a member of the Commission ;

" designated county court " has the meaning given by section 67(1);

" discrimination " and related terms shall be construed in accordance with section 3(3);

" dispose ", in relation to premises, includes granting a right to occupy the premises, and any reference to acquiring premises shall be construed accordingly ;

" education " includes any form of training or instruction ;

" education authority " and " educational establishment " have for Scotland the same meaning as they have respectively in section 145(16) and (17) of the Education (Scotland) Act 1962;

" employment " means employment under a contract of service or of apprenticeship or a contract personally to execute any work or labour, and related expressions shall be construed accordingly ;

" employment agency " means a person who, for profit or not, provides services for the purpose of finding employment for workers or supplying employers with workers;

" estate agent " means a person who, by way of profession or trade, provides services for the purpose of finding premises for persons seeking to acquire them or assisting in the disposal of premises ;

" final " shall be construed in accordance with subsection (4);

" firm " has the meaning given by section 4 of the Partnership Act 1890;

" formal investigation " means an investigation under section 48;

" further education " has for England and Wales the meaning given by section 41(a) of the Education Act 1944, and for Scotland the meaning given by section 145(21) of the Education (Scotland) Act 1962 ;

" general notice ", in relation to any person, means a notice published by him at a time and in a manner appearing to him suitable for securing that the notice is seen within a reasonable time by persons likely to be affected by it;

" genuine occupational qualification " shall be construed in accordance with section 5 ;

" Great Britain " includes such of the territorial waters of the United Kingdom as are adjacent to Great Britain ;

" independent school " has for England and Wales the meaning given by section 114(1) of the Education Act 1944, and for Scotland the meaning given by section 145(23) of the Education (Scotland) Act 1962;

" industrial tribunal " means a tribunal established under section 12 of the Industrial Training Act 1964 ;

" managers " has for Scotland the same meaning as in section 145(26) of the Education (Scotland) Act 1962;

" Minister of the Crown " includes the Treasury and the Defence Council;

" nationality " includes citizenship;

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" near relative " shall be construed in accordance with subsection (5);

" non-discrimination notice " means a notice under section 58;

" notice " means a notice in writing ;

" prescribed " means prescribed by regulations made by the Secretary of State ;

" profession " includes any vocation or occupation ;

" proprietor ", in relation to a school, has for England and Wales the meaning given by section 114(1) of the Education Act 1944, and for Scotland the meaning given by section 145(37) of the Education (Scotland) Act 1962;

" pupil " in Scotland includes a student of any age ;

" racial grounds " and " racial group " have the meaning given by section 3(1);

" school " has for England and Wales the meaning given by section 114(1) of the Education Act 1944, and for Scotland the meaning given by section 145(42) of the Education (Scotland) Act 1962 ;

" school education " has for Scotland the meaning given by section 145(43A) of the Education (Scotland) Act 1962;

" trade " includes any business;

" training " includes any form of education or instruction ;

" university " includes a university college and the college, school or hall of a university ;

" upper limit of compulsory school age " for England and Wales means, subject to section 9 of the Education Act 1962, the age that is that limit by virtue of section 35 of the Education Act 1944 and the Order in Council made under that section.

- (2) It is hereby declared that in this Act " premises ", unless the context otherwise requires, includes land of any description.
- (3) Any power conferred by this Act to designate establishments or persons may be exercised either by naming them or by identifying them by reference to a class or other description.
- (4) For the purposes of this Act a nondiscrimination notice or a finding by a court or tribunal becomes final when an appeal against the notice or finding is dismissed, withdrawn or abandoned or when the time for appealing expires without an appeal having been brought; and for this purpose an appeal against a non-discrimination notice shall be taken to be dismissed if, notwithstanding that a requirement of the notice is quashed on appeal, a direction is given in respect of it under section 59(3).
- (5) For the purposes of this Act a person is a near relative of another if that person is the wife or husband, a parent or child, a grandparent or grandchild, or a brother or sister of the other (whether of full blood or half-blood or by affinity), and " child " includes an illegitimate child and the wife or husband of an illegitimate child.
- (6) Except so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including this Act.
- (7) In this Act, except where otherwise indicated—
 - (a) a reference to a numbered Part, section or Schedule is a reference to the Part or section of, or the Schedule to, this Act so numbered ; and

- (b) a reference in a section to a numbered subsection is a reference to the subsection of that section so numbered ; and
- (c) a reference in a section, subsection or Schedule to a numbered paragraph is a reference to the paragraph of that section, subsection or Schedule so numbered; and
- (d) a reference to any provision of an Act (including this Act) includes a Schedule incorporated in the Act by that provision.

79 Transitional and commencement provisions, amendments and repeals

- (1) The provisions of Schedule 2 shall have effect for making transitional provision for the purposes of this Act.
- (2) This Act shall come into operation on such day as the Secretary of State may by order appoint, and different days may be so appointed for different provisions and for different purposes.
- (3) The enactments specified in Schedule 3 shall have effect subject to the amendments specified in that Schedule (being minor amendments or amendments consequential on the preceding provisions of this Act).
- (4) The Sex Discrimination Act 1975 shall have effect subject to the amendments specified in Schedule 4, being amendments for bringing provisions in that Act relating to its administration and enforcement into conformity with the corresponding provisions in this Act.
- (5) Subject to the provisions of Schedule 2, the enactments specified in Schedule 5 are hereby repealed to the extent shown in column 3 of that Schedule.
- (6) Section 5 of the Public Order Act 1936 shall continue to have effect as substituted by section 7 of the Race Relations Act 1965, notwithstanding the repeal of the said section 7 by this Act.
- (7) An order under this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into operation, including such adaptations of those provisions, or of any provisions of this Act then in operation, as appear to the Secretary of State necessary or expedient in consequence of the partial operation of this Act.

80 Short title and extent

- (1) This Act may be cited as the Race Relations Act 1976.
- (2) This Act, except so far as it amends or repeals any provision of the House of Commons Disqualification Act 1975 or the Northern Ireland Assembly Disqualification Act 1975, does not extend to Northern Ireland.