



# Race Relations Act 1968

## 1968 CHAPTER 71

### PART I

#### DISCRIMINATION

##### *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;
  - (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.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (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.