



# Sex Discrimination Act 1975 (repealed)

## 1975 CHAPTER 65

### PART VII

#### ENFORCEMENT

##### *Enforcement of Part III*

#### 66 Claims under Part III.

- (1) A claim by any person (“the claimant”) that another person (“the respondent”)—
  - (a) has committed an act of discrimination against the claimant which is unlawful by virtue of Part III, or
  - (b) is by virtue of section 41 or 42 to be treated as having committed such an act of discrimination against the claimant,may be made the subject of civil proceedings in like manner as any other claim in tort or (in Scotland) in reparation for breach of statutory duty.
- (2) Proceedings under subsection (1)—
  - (a) shall be brought in England and Wales only in a county court, and
  - (b) shall be brought in Scotland only in a sheriff court,but all such remedies shall be obtainable in such proceedings as, apart from this subsection [<sup>F1</sup>and section 62(1)], would be obtainable in the High Court or the Court of Session, as the case may be.
- (3) As respects an unlawful act of discrimination falling within section 1(1)(b) (or, where this section is applied by section 65(1)(b), section 3(1)(b)) no award of damages shall be made if the respondent proves that the requirement or condition in question was not applied with the intention of treating the claimant unfavourably on the ground of his sex or marital status as the case may be.
- (4) For the avoidance of doubt it is hereby declared that damages in respect of an unlawful act of discrimination may include compensation for injury to feelings whether or not they include compensation under any other head.

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*Status: Point in time view as at 01/04/1994. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Section 66. (See end of Document for details)*

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- (5) Civil proceedings in respect of a claim by any person that he has been discriminated against in contravention of section 22 or 23 by a body to which section 25(1) applies shall not be instituted unless the claimant has given notice of the claim to the Secretary of State and either the Secretary of State has by notice informed the claimant that the Secretary of State does not require further time to consider the matter, or the period of two months has elapsed since the claimant gave notice to the Secretary of State; but nothing in this subsection applies to a counterclaim.
- [<sup>F2</sup>(5A) In Scotland, when any proceedings are brought under this section, in addition to the service on the defender of a copy of the summons or initial writ initiating the action a copy thereof shall be sent as soon as practicable to the Commission in a manner to be prescribed by Act of Sederunt.]
- (6) For the purposes of proceedings under subsection (1)—
- (a) [<sup>F3</sup>section 63(1) (assessors) of the County Courts Act 1984] shall apply with the omission of the words “on the application of any party”, and
  - (b) the remuneration of assessors appointed under the said section [<sup>F4</sup>63(1)] shall be at such rate as may be determined by the Lord Chancellor with the approval of the Minister for the Civil Service.
- (7) For the purpose of proceedings before the sheriff, provision may be made by act of sederunt for the appointment of assessors by him, and the remuneration of any assessors so appointed shall be at such rate as the Lord President of the Court of Session with the approval of [<sup>F5</sup>the Treasury] may determine.
- (8) A county court or sheriff court shall have jurisdiction to entertain proceedings under subsection (1) with respect to an act done on a ship, aircraft or hovercraft outside its district, including such an act done outside Great Britain.

#### Textual Amendments

- F1** Words inserted by [Race Relations Act 1976 \(c. 74\)](#), [Sch. 4 para. 5\(1\)](#)
- F2** [S. 66\(5A\)](#) inserted by [Race Relations Act 1976 \(c. 74\)](#), [Sch. 4 para. 5\(2\)](#)
- F3** Words substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#), [Sch. 2 para. 55\(a\)](#)
- F4** “63(1)” substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#), [Sch. 2 para. 55\(b\)](#)
- F5** Words substituted by [S.I. 1981/1670](#), [arts. 2\(2\)](#), 3(5)

**Status:**

Point in time view as at 01/04/1994. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Section 66.