



# Race Relations Act 1976 (Repealed)

## 1976 CHAPTER 74

### PART I

#### DISCRIMINATION TO WHICH ACT APPLIES

#### 1 Racial discrimination.

- (1) A person discriminates against another in any circumstances relevant for the purposes of any provision of this Act if—
- (a) on racial grounds he treats that other less favourably than he treats or would treat other persons; or
  - (b) he applies to that other a requirement or condition which he applies or would apply equally to persons not of the same racial group as that other but—
    - (i) which is such that the proportion of persons of the same racial group as that other who can comply with it is considerably smaller than the proportion of persons not of that racial group who can comply with it; and
    - (ii) which he cannot show to be justifiable irrespective of the colour, race, nationality or ethnic or national origins of the person to whom it is applied; and
    - (iii) which is to the detriment of that other because he cannot comply with it.

[<sup>F1</sup>(1A) A person also discriminates against another if, in any circumstances relevant for the purposes of any provision referred to in subsection (1B), he applies to that other a provision, criterion or practice which he applies or would apply equally to persons not of the same race or ethnic or national origins as that other, but—

- (a) which puts or would put persons of the same race or ethnic or national origins as that other at a particular disadvantage when compared with other persons,
- (b) which puts [<sup>F2</sup>or would put] that other at that disadvantage, and
- (c) which he cannot show to be a proportionate means of achieving a legitimate aim.

*Status: Point in time view as at 09/02/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Race Relations Act 1976 (Repealed), Part I. (See end of Document for details)*

- (1B) The provisions mentioned in subsection (1A) are—
- (a) Part II;
  - (b) sections 17 to 18D;
  - (c) section 19B, so far as relating to -
    - (i) any form of social security;
    - (ii) health care;
    - (iii) any other form of social protection; and
    - (iv) any form of social advantage;
 which does not fall within section 20;
  - (d) sections 20 to 24;
  - (e) sections 26A and 26B;
  - (f) sections 76 and 76ZA; and
  - (g) Part IV, in its application to the provisions referred to in paragraphs (a) to (f).
- (1C) Where, by virtue of subsection (1A), a person discriminates against another, subsection (1)(b) does not apply to him.]
- (2) It is hereby declared that, for the purposes of this Act, segregating a person from other persons on racial grounds is treating him less favourably than they are treated.

#### Textual Amendments

- F1** S. 1(1A)-(1C) inserted (19.7.2003) by [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\)](#), **reg. 3**
- F2** Words in s. 1(1A)(b) inserted (22.12.2008) by [The Race Relations Act 1976 \(Amendment\) Regulations 2008 \(S.I. 2008/3008\)](#), **reg. 2**

#### Modifications etc. (not altering text)

- C1** S. 1(1)(b) modified by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), **s. 12(1)**

## 2 Discrimination by way of victimisation.

- (1) A person (“the discriminator”) discriminates against another person (“the person victimised”) in any circumstances relevant for the purposes of any provision of this Act if he treats the person victimised less favourably than in those circumstances he treats or would treat other persons, and does so by reason that the person victimised has—
- (a) brought proceedings against the discriminator or any other person under this Act; or
  - (b) given evidence or information in connection with proceedings brought by any person against the discriminator or any other person under this Act; or
  - (c) otherwise done anything under or by reference to this Act in relation to the discriminator or any other person; or
  - (d) alleged that the discriminator or any other person has committed an act which (whether or not the allegation so states) would amount to a contravention of this Act,
- or by reason that the discriminator knows that the person victimised intends to do any of those things, or suspects that the person victimised has done, or intends to do, any of them.

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- (2) Subsection (1) does not apply to treatment of a person by reason of any allegation made by him if the allegation was false and not made in good faith.

### 3 Meaning of “racial grounds”, “racial group” etc.

- (1) In this Act, unless the context otherwise requires—  
“racial grounds” means any of the following grounds, namely colour, race, nationality or ethnic or national origins;  
“racial group” means a group of persons defined by reference to colour, race, nationality or ethnic or national origins, and references to a person’s racial group refer to any racial group into which he falls.
- (2) The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group for the purposes of this Act.
- (3) In this Act—  
(a) references to discrimination refer to any discrimination falling within section 1 or 2; and  
(b) references to racial discrimination refer to any discrimination falling within section 1,  
and related expressions shall be construed accordingly.
- (4) A comparison of the case of a person of a particular racial group with that of a person not of that group under section 1(1) [F3 or (1A)] must be such that the relevant circumstances in the one case are the same, or not materially different, in the other.

#### Textual Amendments

- F3 Words in s. 3(4) inserted (19.7.2003) by [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\)](#), reg. 4

### 3A Harassment

- (1) A person subjects another to harassment in any circumstances relevant for the purposes of any provision referred to in section 1(1B) where, on grounds of race or ethnic or national origins, he engages in unwanted conduct which has the purpose or effect of—  
(a) violating that other person’s dignity, or  
(b) creating an intimidating, hostile, degrading, humiliating or offensive environment for him.
- (2) Conduct shall be regarded as having the effect specified in paragraph (a) or (b) of subsection (1) only if, having regard to all the circumstances, including in particular the perception of that other person, it should reasonably be considered as having that effect.

**Status:**

Point in time view as at 09/02/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the Race Relations Act 1976 (Repealed), Part I.