



Race Relations Act 1976 (Repealed)

1976 CHAPTER 74

PART III

DISCRIMINATION IN OTHER FIELDS

Modifications etc. (not altering text)

- C1** Pt. III (ss. 17-27) applied (1.9.1999) by 1998 c. 31, ss. 24, **Sch. 4 para. 8(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

Education

17 Discrimination by bodies in charge of educational establishments.

—It is unlawful, in relation to an educational establishment falling within column 1 of the following table, for a person indicated in relation to the establishment in column 2 (the “responsible body”) to discriminate against a person—

- (a) in the terms on which it offers to admit him to the establishment as a pupil; or
- (b) by refusing or deliberately omitting to accept an application for his admission to the establishment as a pupil; or
- (c) where he is a pupil of the establishment—
 - (i) in the way it affords him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or
 - (ii) by excluding him from the establishment or subjecting him to any other detriment.

Table

Establishment	Responsible body
ENGLAND AND WALES	

Status: Point in time view as at 06/05/1992. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Race Relations Act 1976 (Repealed), Part III.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

- | | |
|--|--|
| 1. Educational establishment maintained by a local education authority. | Local education authority or [^{F1} managers or]governors, according to which of them has the function in question. |
| 2. Independent school not being a special school. | Proprietor. |
| 3. Special school not maintained by a local education authority. | Proprietor. |
| [^{F2} 3A. Grant-maintained school.] | [^{F2} Governing body.] |
| [^{F3} 3B. Institution within the further education sector (within the meaning of section 91(3) of the further and Higher Education Act 1992).] | [^{F3} Governing body] |
| 4. University. | Governing body. |
| [^{F4} 4A. Institution , other than a university, within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992).] | [^{F4} Governing body.] |
| 5. Establishment (not falling within paragraphs 1 [^{F5} to 4A]) providing full-time or part-time education, being an establishment designated under section 24(1) of the Sex Discrimination Act 1975 for the purposes of paragraph 5 of the corresponding table in section 22 of that Act. | Governing body. |

SCOTLAND

- | | |
|--|--|
| 6. Educational establishment managed by an education authority. | Education authority. |
| 7. Educational establishment in respect of which the managers are for the time being receiving grants under section [^{F6} 73(c) or (d) of the Education (Scotland) Act 1980]. | Managers of the educational establishment. |
| [^{F7} 7A. Self-governing school.] | [^{F7} Board of management.] |
| [^{F8} 7B. College of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992 under the management of a board of management.] | [^{F8} Board of management.] |

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[^{F9} 7C. Designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992.]	[^{F9} Governing body.]
8. University	Governing body.
9. Independent school.	Proprietor.
10. Any other educational establishment (not falling within paragraphs 6, 7 and 9) providing full or part-time school education or further education.	Managers of the educational establishment.

Textual Amendments

- F1** Words repealed (E.W.) by [Education Act 1980 \(c. 20, SIF 41:1\)](#), **Sch. 1 para. 28**
- F2** S. 17 Table para. 3A inserted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237, **Sch. 12 Pt. I para. 18**
- F3** S. 17 Table para. 3B inserted (6.5.1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), **Sch. 8 Pt. II para. 85(1)(2)**; S.I. 1992/831, art. 2, **Sch.1**.
- F4** S. 17 Table para. 4A substituted (6.5.1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), **Sch. 8 Pt. II para. 85(3)**; S.I. 1992/831, art. 2, **Sch.1**.
- F5** Words in s. 17 Table para. 5 substituted (6.5.1992) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), **Sch. 8 Pt. II para. 85(4)**; S.I. 1992/831, art. 2, **Sch.1**.
- F6** Words substituted by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:2\)](#), **Sch. 3 para. 12**
- F7** S. 17 Table para. 7A inserted (S.) by [Self-Governing Schools etc. \(Scotland\) Act 1989 \(c. 39, SIF 41:2\)](#), s. 82(1), **Sch. 10 para. 6(2)**
- F8** S. 17 Table para. 7B inserted (*prosp.*) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 62(2), **Sch. 9 para. 5(2)(a)**.
- F9** S. 17 Table para. 7C inserted (*prosp.*) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 62(2), **Sch. 9 para. 5(2)(b)**.

17 Discrimination by bodies in charge of educational establishments. **E+W+S**

—It is unlawful, in relation to an educational establishment falling within column 1 of the following table, for a person indicated in relation to the establishment in column 2 (the “responsible body”) to discriminate against a person—

- in the terms on which it offers to admit him to the establishment as a pupil; or
- by refusing or deliberately omitting to accept an application for his admission to the establishment as a pupil; or
- where he is a pupil of the establishment—
 - in the way it affords him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or
 - by excluding him from the establishment or subjecting him to any other detriment.

Table

Establishment	Responsible body
ENGLAND AND WALES	

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

1. Educational establishment maintained by a local education authority.	Local education authority or [^{F37} managers or]governors, according to which of them has the function in question.
2. Independent school not being a special school.	Proprietor.
3. Special school not maintained by a local education authority.	Proprietor.
[^{F38} 3A. Grant-maintained school.]	[^{F38} Governing body.]
4. University.	Governing body.
[^{F39} 4A. Institution within the PCFC funding sector (within the meaning of the Education Act 1944).]	[^{F39} Governing body.]
5. Establishment (not falling within paragraphs 1 to 4) providing full-time or part-time education, being an establishment designated under section 24(1) of the Sex Discrimination Act 1975 for the purposes of paragraph 5 of the corresponding table in section 22 of that Act.	Governing body.
SCOTLAND	
6. Educational establishment managed by an education authority.	Education authority.
7. Educational establishment in respect of which the managers are for the time being receiving grants under section [^{F40} 73(c) or (d) of the Education (Scotland) Act 1980].	Managers of the educational establishment.
[^{F41} 7A. Self-governing school.]	[^{F41} Board of management.]
8. University	Governing body.
9. Independent school.	Proprietor.
10. Any other educational establishment (not falling within paragraphs 6, 7 and 9) providing full or part-time school education or further education.	Managers of the educational establishment.

Textual Amendments

F37 Words repealed (E.W.) by [Education Act 1980 \(c. 20, SIF 41:1\)](#), [Sch. 1 para. 28](#)

F38 [S. 17 Table para. 3A](#) inserted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237, [Sch. 12 Pt. I para. 18](#)

F39 [S. 17 Table para. 4A](#) inserted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237, [Sch. 12 Pt. III para. 78](#)

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

- F40** Words substituted by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:2\)](#), **Sch. 3 para. 12**
- F41** [S. 17 Table para. 7A inserted \(S.\) by Self-Governing Schools etc. \(Scotland\) Act 1989 \(c. 39, SIF 41:2\)](#), s. 82(1), **Sch. 10 para. 6(2)**

VALID FROM 01/08/1993

[^{F10}17A Meaning of pupil in section 17.

For the purposes of section 17, “pupil” includes, in England and Wales, any person who receives education at a school or institution to which that section applies.]

Textual Amendments

- F10** [S. 17A inserted \(1.8.1993\) by Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), **Sch. 8 Pt. II para.86**; S.I. 1992/831, art. 2, **Sch.4**.

18 Other discrimination by local education authorities.

- (1) It is unlawful for a local education authority, in carrying out such of its functions under [^{F11}the Education Acts 1944 to 1975][^{F11}the Education Acts 1944 to 1981]as do not fall under section 17, to do any act which constitutes racial discrimination.
- (2) It is unlawful for an education authority, in carrying out such of its functions under [^{F12}the Education (Scotland) [^{F13}Act 1980]]as do not fall under section 17, to do any act which constitutes racial discrimination.

Textual Amendments

- F11** Words “the Education Acts 1944 to 1981” substituted (E.W.) for “the Education Acts 1944 to 1975” by virtue of the [Education Act 1981 \(c. 60, SIF 41:1\)](#), **Sch. 3 para. 12**
- F12** Words substituted by [Education Act 1980 \(c. 20, SIF 41:1\)](#), s. 33(2)
- F13** Words substituted (S.) by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:2\)](#), **Sch. 4 para. 13**

[^{F14}18A Discrimination by Further Education and Higher Education Funding Councils

It is unlawful for the Further Education Funding Council for England, the Further Education Funding Council for Wales, the Higher Education Funding Council for England or the Higher Education Funding Council for Wales in carrying out their functions under the Education Acts 1944 to 1992, to do any act which constitutes racial discrimination.]

Textual Amendments

- F14** [S. 18A inserted \(6.5.1992\) by Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), **Sch. 8 Pt. II para.87**; S.I. 1992/831, art. 2, **Sch.1**.

Status: Point in time view as at 06/05/1992. This version of this part contains provisions that are not valid for this point in time.

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

VALID FROM 01/06/1992

[^{F15}18B Discrimination by Scottish Further and Higher Education Funding Councils.

It is unlawful for the Scottish Further Education Funding Council or the Scottish Higher Education Funding Council in carrying out any of their functions to do any act which constitutes racial discrimination.]

Textual Amendments

F15 S. 18B inserted (1.6.1992 for specified purposes and 21.11.1998 otherwise) by [Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#), s. 62(2), **Sch. 9 para. 5(3)**; S.I. 1992/817, art. 3(2), **Sch.2**; S.I. 1998/2886, **art. 2(c)**

VALID FROM 03/10/2005

[^{F16}18BAScottish Further and Higher Education Funding Council

It is unlawful for the Scottish Further and Higher Education Funding Council in carrying out any of its functions to do any act which constitutes racial discrimination or harassment.]

Textual Amendments

F16 S. 18BA inserted (3.10.2005) by [The Further and Higher Education \(Scotland\) Act 2005 \(Consequential Modifications\) Order 2005 \(S.I. 2005/2077\)](#), **art. 5(a)**

VALID FROM 01/04/1994

[^{F17}18C Discrimination by Funding Agency for Schools or Schools Funding Council for Wales.

It is unlawful for the Funding Agency for Schools or the Schools Funding Council for Wales in carrying out their functions by or under the Education Acts 1944 to 1993 to do any act which constitutes racial discrimination.]

Textual Amendments

F17 S. 18C inserted (1.4.1994) by [1993 c. 35](#), ss. 307(1), 308(3), **Sch. 19 para. 65**; S.I. 1994/507, art. 4, **Sch. 2** (which insertion fell (1.1.1996) by reason of the repeal of [1993 c. 35](#) by [1996 c. 56](#), ss. 582(2)(3), 583(2), **Sch. 38 Pt. 1**)

Status: Point in time view as at 06/05/1992. This version of this part contains provisions that are not valid for this point in time.

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

VALID FROM 21/09/1994

[^{F18}18D Discrimination by Teacher Training Agency.

It is unlawful for the Teacher Training Agency in carrying out their functions under Part I of the Education Act 1994 to do any act which constitutes racial discrimination.]

Textual Amendments

F18 S. 18D inserted (21.9.1994) by 1994 c. 30, s. 24, **Sch. 2 para. 6(3)**; S.I. 1994/2204, **art. 2(1)**

19 General duty in public sector of education.

- (1) Without prejudice to its obligation to comply with any other provision of this Act, a body to which this subsection applies shall be under a general duty to secure that facilities for education provided by it, and any ancillary benefits or services, are provided without racial discrimination.
- (2) The following provisions of the ^{M1}Education Act 1944, namely—
 - (a) section 68 (power of Secretary of State to require duties under that Act to be exercised reasonably); and
 - (b) section 99 (powers of Secretary of State where local education authorities etc. are in default),
 shall apply to the performance by a body to which subsection (1) applies of the duties imposed by sections 17 and 18, and shall also apply to the performance of the general duty imposed by subsection (1), as they apply to the performance by a local education authority of a duty imposed by that Act.
- (3) Section [^{F19}70 of the Education (Scotland) Act 1980](power of the Secretary of State to require duties in that Act to be exercised) shall apply to the performance by a body to which subsection (1) applies of the duties imposed by sections 17 and 18, and shall also apply to the performance of the general duty imposed by subsection (1), as the [^{F19}said section 70]applies to the performance by an education authority of a duty imposed by that Act.
- (4) The sanctions in subsections (2) and (3) shall be the only sanctions for breach of the general duty in subsection (1), but without prejudice to the enforcement of sections 17 and 18 under section 57 or otherwise (where the breach is also a contravention of either of those sections).
- (5) The Secretary of State shall have the power to cause a local inquiry to be held under section [^{F20}67 of the Education (Scotland) Act 1980]into any matter arising from subsection (3).
- (6) Subsection (1) applies to—
 - (a) local education authorities in England and Wales;
 - (b) education authorities in Scotland;
 - (c) any other body which is a responsible body in relation to—

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- (i) an establishment falling within paragraph 1, 3 ^{F21}3A^{F22}3B^{F23}, 7 or 7A] of the table in section 17;
- (ii) an establishment designated under section 24(1) of the ^{M2}Sex Discrimination Act 1975 as falling within paragraph . . . ^{F24}(c) of section 24(2) of that Act;
- (iii) an establishment designated under the said section 24(1) as falling within paragraph (b) of the said section 24(2) where the grants in question are payable under section 100 of the ^{M3}Education Act 1944.

^{F25}(d) the Further Education Funding Council for England and the Further Education Funding Council for Wales.]

Textual Amendments

- F19** Words substituted by Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 4 para. 14(a)**
- F20** Words substituted by Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 4 para. 14(b)**
- F21** “3A” inserted (29.7.1988) by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 12 Pt. I para. 19**
- F22** Words in s. 19(6)(c)(i) (which were inserted by Education Reform Act 1988 (c. 40), ss. 231(7), 235(6), 237, **Sch. 12 Pt. III para. 79(a)**) substituted (6.5.1992) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. II para. 88(1)(a)**; S.I. 1992/831, art. 2, **Sch.1**.
- F23** “,7 or 7A” substituted (S.) for “or 7” by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(1), **Sch. 10 para. 6(3)**
- F24** “(a) or” repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, Sch. 12 Pt. III para. 79(b), **Sch. 13 Pt. II**
- F25** S. 19(6)(d) added (6.5.1992) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. II para. 88(1)(b)**; S.I. 1992/831, art. 2, **Sch.1**.

Modifications etc. (not altering text)

- C2** S. 19(2) modified (6.5.1992) by Further and Higher Education Act 1992 (c. 13), s. 93(1), **Sch. 8 Pt. II para. 88(2)**; S.I. 1992/831, art. 2, **Sch.1**.

Marginal Citations

- M1** 1944 c. 31
- M2** 1975 c. 65.
- M3** 1944 c. 31.

VALID FROM 28/07/2000

^{F26}19ZAGeneral duty: post-16 education and training etc.

- (1) The Learning and Skills Council for England and the National Council for Education and Training for Wales shall be under a general duty to secure that the facilities falling within subsection (2) and any ancillary benefits or services are provided without racial discrimination.
- (2) Facilities falling within this subsection are facilities for—
 - (a) education,
 - (b) training, and
 - (c) organised leisure-time occupation connected with such education or training,

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the provision of which is secured by the Learning and Skills Council for England or the National Council for Education and Training for Wales.

- (3) The provisions of sections 25 and 47 of the Learning and Skills Act 2000 shall be the only sanction for breach of the general duty in subsection (1), but without prejudice to the enforcement of section 18A under section 57 or otherwise (where the breach is also a contravention of that section).]

Textual Amendments

- F26** S. 19ZA inserted (28.7.2000 for specified purposes and 1.4.2001 otherwise so far as relating to England and Wales) by 2000 c. 21, ss. 149, 154(3)-(5), **Sch. 9 para. 10**; S.I. 2001/654, art. 2(2), **Sch. Pt. II** (subject to savings and transitional provisions in art. 3); S.I. 2001/1274, art. 2(1), **Sch. Pt. I** (subject to savings and transitional provisions in art. 3)

[^{F27} Planning]

Textual Amendments

- F27** S. 19A inserted by **Housing and Planning Act 1986 (c. 63, SIF 106:1), s. 55**

19A Discrimination by planning authorities.

- (1) It is unlawful for a planning authority to discriminate against a person in carrying out their planning functions.
- (2) In this section “planning authority” means—
- (a) in England and Wales, a county, district or London borough council [^{F28}the Broads Authority], a joint planning board, a special planning board or a National Park Committee, and
 - (b) in Scotland, a planning authority or regional planning authority,

and includes an urban development corporation and a body having functions (whether as an enterprise zone authority or a body invited to prepare a scheme) under Schedule 32 to the Local Government, Planning and Land Act 1980.

- (3) In this section “planning functions” means—
- (a) in England and Wales, functions under [^{F29}the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Hazardous Substances) Act 1990] and such other functions as may be prescribed, and
 - (b) in Scotland, functions under the Town and Country Planning (Scotland) Act 1972 or Part IX of the Local Government (Scotland) Act 1973, and such other functions as may be prescribed,

and includes, in relation to an urban development corporation, planning functions under Part XVI of the Local Government, Planning and Land Act 1980 and, in relation to an enterprise zone authority or body invited to prepare an enterprise zone scheme, functions under Part XVIII of that Act.

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Textual Amendments

- F28** Words inserted (E.W.) by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 2(5)(6), 23(2), [Sch. 3 para. 29](#), [Sch. 7](#)
- F29** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 36](#)

VALID FROM 26/03/2001

[^{F30} Public authorities]

Textual Amendments

- F30** [Ss. 19B-19F](#) and cross-heading inserted (26.3.2001 for specified purposes otherwise 2.4.2001) by [2000 c. 34, s. 1](#) (with [s. 10\(5\)](#)); [S.I. 2001/566, art. 2\(1\)\(2\)](#)

^{F31}**19B Discrimination by public authorities.**

- (1) It is unlawful for a public authority in carrying out any functions of the authority to do any act which constitutes discrimination.
- (2) In this section “public authority”—
 - (a) includes any person certain of whose functions are functions of a public nature; but
 - (b) does not include any person mentioned in subsection (3).
- (3) The persons mentioned in this subsection are—
 - (a) either House of Parliament;
 - (b) a person exercising functions in connection with proceedings in Parliament;
 - (c) the Security Service;
 - (d) the Secret Intelligence Service;
 - (e) the Government Communications Headquarters; and
 - (f) any unit or part of a unit of any of the naval, military or air forces of the Crown which is for the time being required by the Secretary of State to assist the Government Communications Headquarters in carrying out its functions.
- (4) In relation to a particular act, a person is not a public authority by virtue only of subsection (2)(a) if the nature of the act is private.
- (5) This section is subject to sections 19C to 19F.
- (6) Nothing in this section makes unlawful any act of discrimination which—
 - (a) is made unlawful by virtue of any other provision of this Act; or
 - (b) would be so made but for any provision made by or under this Act.

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Textual Amendments

F31 Ss. 19B-19F and cross-heading inserted (26.3.2001 for specified purposes otherwise 2.4.2001) by 2000 c. 34, s. 1 (with s. 10(5)); S.I. 2001/566, art. 2(1)(2)

^{F32}19C Exceptions or further exceptions from section 19B for judicial and legislative acts etc.

- (1) Section 19B does not apply to—
 - (a) any judicial act (whether done by a court, tribunal or other person); or
 - (b) any act done on the instructions, or on behalf, of a person acting in a judicial capacity.
- (2) Section 19B does not apply to any act of, or relating to, making, confirming or approving any enactment or Order in Council or any instrument made by a Minister of the Crown under an enactment.
- (3) Section 19B does not apply to any act of, or relating to, making or approving arrangements, or imposing requirements or conditions, of a kind falling within section 41.
- (4) Section 19B does not apply to any act of, or relating to, imposing a requirement, or giving an express authorisation, of a kind mentioned in section 19D(3) in relation to the carrying out of immigration and nationality functions.
- (5) In this section—

“immigration and nationality functions” has the meaning given in section 19D; and

“Minister of the Crown” includes the National Assembly for Wales and a member of the Scottish Executive.

Textual Amendments

F32 Ss. 19B-19F and cross-heading inserted (26.3.2001 for specified purposes otherwise 2.4.2001) by 2000 c. 34, s. 1 (with s. 10(5)); S.I. 2001/566, art. 2(1)(2)

^{F33}19D Exception from section 19B for certain acts in immigration and nationality cases.

- (1) Section 19B does not make it unlawful for a relevant person to discriminate against another person on grounds of nationality or ethnic or national origins in carrying out immigration and nationality functions.
- (2) For the purposes of subsection (1), “relevant person” means—
 - (a) a Minister of the Crown acting personally; or
 - (b) any other person acting in accordance with a relevant authorisation.
- (3) In subsection (2), “relevant authorisation” means a requirement imposed or express authorisation given—
 - (a) with respect to a particular case or class of case, by a Minister of the Crown acting personally;

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- (b) with respect to a particular class of case—
- (i) by any of the enactments mentioned in subsection (5); or
 - (ii) by any instrument made under or by virtue of any of those enactments.
- (4) For the purposes of subsection (1), “immigration and nationality functions” means functions exercisable by virtue of any of the enactments mentioned in subsection (5).
- (5) Those enactments are—
- (a) the Immigration Acts (within the meaning of the ^{M4}Immigration and Asylum Act 1999 but excluding sections 28A to 28K of the ^{M5}Immigration Act 1971 so far as they relate to offences under Part III of that Act);
 - (b) the ^{M6}British Nationality Act 1981;
 - (c) the ^{M7}British Nationality (Falkland Islands) Act 1983;
 - (d) the ^{M8}British Nationality (Hong Kong) Act 1990;
 - (e) the ^{M9}Hong Kong (War Wives and Widows) Act 1996;
 - (f) the ^{M10}British Nationality (Hong Kong) Act 1997; and
 - (g) the ^{M11}Special Immigration Appeals Commission Act 1997;
- and include any provision made under section 2(2) of the ^{M12}European Communities Act 1972, or any provision of Community law, which relates to the subject-matter of any of the enactments mentioned above.

Textual Amendments

F33 Ss. 19B-19F and cross-heading inserted (26.3.2001 for specified purposes otherwise 2.4.2001) by 2000 c. 34, s. 1 (with s. 10(5)); S.I. 2001/566, art. 2(1)(2)

Marginal Citations

M4 1999 c. 33.
M5 1971 c.77.
M6 1981 c. 61.
M7 1983 c. 6.
M8 1990 c. 34.
M9 1996 c. 41.
M10 1997 c. 20.
M11 1997 c. 68.
M12 1972 c. 68.

^{F34}**19E Monitoring of exception in relation to immigration and nationality cases.**

- (1) The Secretary of State shall appoint a person who is not a member of his staff to act as a monitor.
- (2) Before appointing any such person, the Secretary of State shall consult the Commission.
- (3) The person so appointed shall monitor, in such manner as the Secretary of State may determine—
 - (a) the likely effect on the operation of the exception in section 19D of any relevant authorisation relating to the carrying out of immigration and

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- nationality functions which has been given by a Minister of the Crown acting personally; and
- (b) the operation of that exception in relation to acts which have been done by a person acting in accordance with such an authorisation.
- (4) The monitor shall make an annual report on the discharge of his functions to the Secretary of State.
- (5) The Secretary of State shall lay a copy of any report made to him under subsection (4) before each House of Parliament.
- (6) The Secretary of State shall pay to the monitor such fees and allowances (if any) as he may determine.
- (7) In this section “immigration and nationality functions” and “relevant authorisation” have the meanings given to them in section 19D.

Textual Amendments

F34 Ss. 19B-19F and cross-heading inserted (26.3.2001 for specified purposes otherwise 2.4.2001) by 2000 c. 34, s. 1 (with s. 10(5)); S.I. 2001/566, art. 2(1)(2)

^{F35} 19F Exceptions from section 19B for decisions not to prosecute etc.

Section 19B does not apply to—

- (a) a decision not to institute criminal proceedings and, where such a decision has been made, any act done for the purpose of enabling the decision whether to institute criminal proceedings to be made;
- (b) where criminal proceedings are not continued as a result of a decision not to continue them, the decision and, where such a decision has been made—
- (i) any act done for the purpose of enabling the decision whether to continue the proceedings to be made; and
- (ii) any act done for the purpose of securing that the proceedings are not continued.

Textual Amendments

F35 Ss. 19B-19F and cross-heading inserted (26.3.2001 for specified purposes otherwise 2.4.2001) by 2000 c. 34, s. 1 (with s. 10(5)); S.I. 2001/566, art. 2(1)(2)

Goods, facilities, services and premises

20 Discrimination in provision of goods, facilities or services.

- (1) It is unlawful for any person concerned with the provision (for payment or not) of goods, facilities or services to the public or a section of the public to discriminate against a person who seeks to obtain or use those goods, facilities or services—
- (a) by refusing or deliberately omitting to provide him with any of them; or
- (b) by refusing or deliberately omitting to provide him with goods, facilities or services of the like quality, in the like manner and on the like terms as are

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normal in the first-mentioned person's case in relation to other members of the public or (where the person so seeking belongs to a section of the public) to other members of that section.

(2) The following are examples of the facilities and services mentioned in subsection (1)

- (a) access to and use of any place which members of the public are permitted to enter;
- (b) accommodation in a hotel, boarding house or other similar establishment;
- (c) facilities by way of banking or insurance or for grants, loans, credit or finance;
- (d) facilities for education;
- (e) facilities for entertainment, recreation or refreshment;
- (f) facilities for transport or travel;
- (g) the services of any profession or trade, or any local or other public authority.

21 Discrimination in disposal or management of premises.

(1) It is unlawful for a person, in relation to premises in Great Britain of which he has power to dispose, to discriminate against another—

- (a) in the terms on which he offers him those premises; or
- (b) by refusing his application for those premises; or
- (c) in his treatment of him in relation to any list of persons in need of premises of that description.

(2) It is unlawful for a person, in relation to premises managed by him, to discriminate against a person occupying the premises—

- (a) in the way he affords him access to any benefits or facilities, or by refusing or deliberately omitting to afford him access to them; or
- (b) by evicting him, or subjecting him to any other detriment.

(3) Subsection (1) does not apply to a person who owns an estate or interest in the premises and wholly occupies them unless he uses the services of an estate agent for the purposes of the disposal of the premises, or publishes or causes to be published an advertisement in connection with the disposal.

22 Exception from ss. 20(1) and 21: small dwellings.

(1) Sections 20(1) and 21 do not apply to the provision by a person of accommodation in any premises, or the disposal of premises by him, if—

- (a) that person or a near relative of his ("the relevant occupier") resides, and intends to continue to reside, on the premises; and
- (b) there is on the premises, in addition to the accommodation occupied by the relevant occupier, accommodation (not being storage accommodation or means of access) shared by the relevant occupier with other persons residing on the premises who are not members of his household; and
- (c) the premises are small premises.

(2) Premises shall be treated for the purposes of this section 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 relevant occupier, there is not normally

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residential accommodation for more than two such households and only the relevant occupier and any member of his household reside in the accommodation occupied by him;

- (b) in the case of premises not falling within paragraph (a), there is not normally residential accommodation on the premises for more than six persons in addition to the relevant occupier and any members of his household.

23 Further exceptions from ss. 20(1) and 21.

- (1) Sections 20(1) and 21 do not apply—
- (a) to discrimination which is rendered unlawful by any provision of Part II or section 17 or 18; or
 - (b) to discrimination which would be rendered unlawful by any provision of Part II but for any of the following provisions, namely sections 4(3), 5(1)(b), 6, 7(4), 9 and 14(4).
- (2) Section 20(1) does not apply to anything done by a person as a participant in arrangements under which he (for reward or not) takes into his home, and treats as if they were members of his family, children, elderly persons, or persons requiring a special degree of care and attention.

24 Discrimination: consent for assignment or sub-letting.

- (1) Where the licence or consent of the landlord or of any other person is required for the disposal to any person of premises in Great Britain comprised in a tenancy, it is unlawful for the landlord or other person to discriminate against a person by withholding the licence or consent for disposal of the premises to him.
- (2) Subsection (1) does not apply if—
- (a) the person withholding a licence of consent, or a near relative of his (“the relevant occupier”) resides, and intends to continue to reside, on the premises; and
 - (b) there is on the premises, in addition to the accommodation occupied by the relevant occupier, accommodation (not being storage accommodation or means of access) shared by the relevant occupier with other persons residing on the premises who are not members of his household; and
 - (c) the premises are small premises.
- (3) Section 22(2) (meaning of “small premises”) shall apply for the purposes of this as well as of that section.
- (4) In this section “tenancy” means a tenancy created by a lease or sub-lease, by an agreement for a lease or sub-lease or by a tenancy agreement or in pursuance of any enactment; and “disposal”, in relation to premises comprised in a tenancy, includes assignment or assignation of the tenancy and sub-letting or parting with possession of the premises or any part of the premises.
- (5) This section applies to tenancies created before the passing of this Act, as well as to others.

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25 Discrimination: associations not within s. 11.

- (1) This section applies to any association of persons (however described, whether corporate or unincorporate, and whether or not its activities are carried on for profit) if—
 - (a) it has twenty-five or more members; and
 - (b) admission to membership is regulated by its constitution and is so conducted that the members do not constitute a section of the public within the meaning of section 20(1); and
 - (c) it is not an organisation to which section 11 applies.
- (2) It is unlawful for an association to which this section applies, in the case of a person who is not a member of the association, to discriminate against him—
 - (a) in the terms on which it is prepared to admit him to membership; or
 - (b) by refusing or deliberately omitting to accept his application for membership.
- (3) It is unlawful for an association to which this section applies, in the case of a person who is a member or associate of the association, to discriminate against him—
 - (a) in the way it affords him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or
 - (b) in the case of a member, by depriving him of membership, or varying the terms on which he is a member; or
 - (c) in the case of an associate, by depriving him of his rights as an associate, or varying those rights; or
 - (d) in either case, by subjecting him to any other detriment.
- (4) For the purposes of this section—
 - (a) a person is a member of an association if he belongs to it by virtue of his admission to any sort of membership provided for by its constitution (and is not merely a person with certain rights under its constitution by virtue of his membership of some other association), and references to membership of an association shall be construed accordingly;
 - (b) a person is an associate of an association to which this section applies if, not being a member of it, he has under its constitution some or all of the rights enjoyed by members (or would have apart from any provision in its constitution authorising the refusal of those rights in particular cases).

26 Exception from s. 25 for certain associations.

- (1) An association to which section 25 applies is within this subsection if the main object of the association is to enable the benefits of membership (whatever they may be) to be enjoyed by persons of a particular racial group defined otherwise than by reference to colour; and in determining whether that is the main object of an association regard shall be had to the essential character of the association and to all relevant circumstances including, in particular, the extent to which the affairs of the association are so conducted that the persons primarily enjoying the benefits of membership are of the racial group in question.
- (2) In the case of an association within subsection (1), nothing in section 25 shall render unlawful any act not involving discrimination on the ground of colour.

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[^{F36} Barristers]

Textual Amendments

F36 Ss. 26A, 26B inserted by virtue of Courts and Legal Services Act 1990 (c. 41, SIF 37), ss. 64(2), 65(2), Sch. 19 para. 1

26A Discrimination by, or in relation to, barristers.

- (1) It is unlawful for a barrister or barrister’s clerk, in relation to any offer of a pupillage or tenancy, to discriminate against a person—
 - (a) in the arrangements which are made for the purpose of determining to whom it should be offered;
 - (b) in respect of any terms on which it is offered; or
 - (c) by refusing, or deliberately omitting, to offer it to him.
- (2) It is unlawful for a barrister or barrister’s clerk, in relation to a pupil or tenant in the chambers in question, to discriminate against him—
 - (a) in respect of any terms applicable to him as a pupil or tenant;
 - (b) in the opportunities for training, or gaining experience which are afforded or denied to him;
 - (c) in the benefits, facilities or services which are afforded or denied to him; or
 - (d) by terminating his pupillage or by subjecting him to any pressure to leave the chambers or other detriment.
- (3) It is unlawful for any person, in relation to the giving, withholding or acceptance of instructions to a barrister, to discriminate against any person.
- (4) In this section— “barrister’s clerk” includes any person carrying out any of the functions of a barrister’s clerk; and “pupil”, “pupillage”, “tenancy” and “tenant” have the meanings commonly associated with their use in the context of a set of barristers’ chambers.
- (5) This section does not apply to Scotland.

Advocates

26B Discrimination by, or in relation to, advocates.

- (1) It is unlawful for an advocate, in relation to taking any person as his pupil, to discriminate against a person—
 - (a) in the arrangements which he makes for the purpose of determining whom he will take as his pupil;
 - (b) in respect of any terms on which he offers to take any person as his pupil; or
 - (c) by refusing, or deliberately omitting, to take a person as his pupil.
- (2) It is unlawful for an advocate, in relation to a person who is a pupil, to discriminate against him—
 - (a) in respect of any terms applicable to him as a pupil;
 - (b) in the opportunities for training, or gaining experience, which are afforded or denied to him;

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- (c) in the benefits, facilities or services which are afforded or denied to him; or
 - (d) by terminating the relationship or by subjecting him to any pressure to terminate the relationship or other detriment.
- (3) It is unlawful for any person, in relation to the giving, withholding or acceptance of instructions to an advocate, to discriminate against any person.
- (4) In this section— “advocate” means a member of the Faculty of Advocates practising as such; and “pupil” has the meaning commonly associated with its use in the context of a person training to be an advocate.
- (5) This section does not apply to England and Wales.

Extent

27 Extent of Part III.

- (1) Sections 17 to 19 do not apply to benefits, facilities or services outside Great Britain except—
- (a) travel in a ship registered at a port of registry in Great Britain; and
 - (b) benefits, facilities or services provided on a ship so registered.
- (2) Section 20(1)—
- (a) does not apply to goods, facilities or services outside Great Britain except as provided in subsections (3) and (4); and
 - (b) does not apply to facilities by way of banking or insurance or for grants, loans, credit or finance, where the facilities are for a purpose to be carried out, or in connection with risks wholly or mainly arising, outside Great Britain.
- (3) Section 20(1) applies to the provision of facilities for travel outside Great Britain where the refusal or omission occurs in Great Britain or on a ship, aircraft or hovercraft within subsection (4).
- (4) Section 20(1) applies on and in relation to—
- (a) any ship registered at a port of registry in Great Britain; and
 - (b) any aircraft or hovercraft registered in the United Kingdom and operated by a person who has his principal place of business, or is ordinarily resident, in Great Britain,
- even if the ship, aircraft or hovercraft is outside Great Britain.
- (5) This section shall not render unlawful an act done in or over a country outside the United Kingdom, or in or over that country’s territorial waters, for the purpose of complying with the laws of that country.

Status:

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Changes to legislation:

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