



# Race Relations Act 1976 (Repealed)

## 1976 CHAPTER 74

### PART III

#### DISCRIMINATION IN OTHER FIELDS

##### *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

<b>Establishment</b>	<b>Responsible body</b>
<b>ENGLAND AND WALES</b>	
1. Educational establishment maintained by a local education authority.	Local education authority or [ <sup>F1</sup> managers or]governors, according to which of them has the function in question.
2. Independent school not being a special school.	Proprietor.

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| 3. Special school not maintained by a local education authority.   | Proprietor.                                |
| [ <sup>F2</sup> 3A. Grant-maintained school.]  | [ <sup>F2</sup> Governing body.]           |
| [ <sup>F3</sup> 3B. Institution within the further education sector (within the meaning of section 91(3) of the further and Higher Education Act 1992).]   | [ <sup>F3</sup> Governing body]            |
| 4. University.   | Governing body.                            |
| [ <sup>F4</sup> 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).]  | [ <sup>F4</sup> Governing body.]           |
| 5. Establishment (not falling within paragraphs 1 [ <sup>F5</sup> 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.                            |
| <b>SCOTLAND</b>  |  |
| 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 [ <sup>F6</sup> 73(c) or (d) of the Education (Scotland) Act 1980].  | Managers of the educational establishment. |
| [ <sup>F7</sup> 7A. Self-governing school.]  | [ <sup>F7</sup> Board of management.]      |
| [ <sup>F8</sup> 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.]   | [ <sup>F8</sup> Board of management.]      |
| [ <sup>F9</sup> 7C. Designated institution within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992.]   | [ <sup>F9</sup> Governing body.]           |
| 8. University  | Governing body.                            |
| 9. Independent school.   | Proprietor.                                |

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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 (16.5.1992) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(2), **Sch. 9 para. 5(2)(a)**; S.I. 1992/817, art. 3(2), **Sch.1**.
- F9** S. 17 Table para. 7C inserted (16.5.1992) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(2), **Sch. 9 para. 5(2)(b)**; S.I. 1992/817, art. 3(2), **Sch.1**.

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

- C1** S. 17 applied (1.4.1994) by S.I. 1994/653, reg. 42(1), **Sch. Pt. I**  
S. 17 applied (9.5.1994) by S.I. 1994/1084, reg. 8(1), **Sch. 2 Pt. I**

### [<sup>F10</sup>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 [<sup>F11</sup>the Education Acts]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 [<sup>F12</sup>the Education (Scotland) [<sup>F13</sup>Act 1980]] as do not fall under section 17, to do any act which constitutes racial discrimination.

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#### Textual Amendments

- F11** Words in s. 18(1) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 39** (with ss. 1(4), 561, 562, Sch. 39 paras. 30, 36, 39)
- 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**

### [<sup>F14</sup>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 [<sup>F15</sup>the Education Acts], 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**.
- F15** Words in s. 18A substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 40** (with ss. 1(4), 561, 562, Sch. 39 paras. 30, 36, 39)

### [<sup>F16</sup>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

- F16** 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

### [<sup>F17</sup>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

- F17** 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)**

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### [<sup>F18</sup>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 imposed by or under the Education Acts to do any act which constitutes racial discrimination.]

#### **Textual Amendments**

**F18** S.18C substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 41** (with ss. 1(4), 561, 562, Sch. 39 paras. 30, 36, 39)

### [<sup>F19</sup>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**

**F19** 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 [<sup>F20</sup>Education Act 1996], namely—
  - (a) [<sup>F21</sup>section 496] (power of Secretary of State to require duties under that Act to be exercised reasonably); and
  - (b) [<sup>F22</sup>section 497] (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 [<sup>F23</sup>18, 18A, 18C and 18D], 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 [<sup>F24</sup>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 [<sup>F24</sup>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 [<sup>F23</sup>18, 18A, 18C and 18D] under section 57 or otherwise (where the breach is also a contravention of [<sup>F25</sup>any] of those sections).

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- (5) The Secretary of State shall have the power to cause a local inquiry to be held under section [F26]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—
    - (i) an establishment falling within paragraph 1, 3 [F27]3A][F28]3B][F29]7, 7A, 7B or 7C] of the table in section 17;
    - (ii) an establishment designated under section 24(1) of the M1Sex Discrimination Act 1975 as falling within paragraph . . . F30(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 [F31]section 485 of the Education Act 1996].
- [F32(d) the Further Education Funding Council for England and the Further Education Funding Council for Wales.]
- [F33(e) the Funding Agency for Schools and the Schools Funding Council for Wales.]
- [F34(f) the Teacher Training Agency.]

#### Textual Amendments

- F20** Words in s. 19(2) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 42(2)(a)** (with ss. 1(4), 561, 562, Sch. 39 paras. 30, 36, 39)
- F21** Words in s. 19(2)(a) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 42(2)(b)** (with ss. 1(4), 561, 562, Sch. 39 paras. 30, 36, 39)
- F22** Words in s. 19(2)(b) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 42(2)(c)** (with ss. 1(4), 561, 562, Sch. 39 paras. 30, 36, 39)
- F23** Words in s. 19(2)(4) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 42(2)(d)(3)(a)** (with ss. 1(4), 561, 562, Sch. 39) (this substitution reproduces substitutions originally made by 1993 c. 35, s. 307(1), **Sch. 19 para. 66(a)** and 1994 c. 30, s. 24, **Sch. 2 para. 6(4)(a)** which amending provisions were repealed by 1996 c. 56, ss. 582(2), 583(2), Sch. 38 Pt. I (with ss. 1(4), 561, 562, **Sch. 39**))
- F24** Words substituted by Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 4 para. 14(a)**
- F25** Word in s. 19(4) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 42(3)(b)** (with ss. 1(4), 561, 562, Sch. 39 paras. 30, 36, 39)
- F26** Words substituted by Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 4 para. 14(b)**
- F27** “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**
- F28** 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**.
- F29** Words in s. 19(6)(c)(i) expressed to be substituted (16.5.1992) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(2), **Sch. 9 para. 5(4)**; S.I. 1992/817, art. 3(2), **Sch. 1**.
- F30** “(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**
- F31** Words in s. 19(6)(c)(iii) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 42(4)(a)** (with ss. 1(4), 561, 562, Sch. 39 paras. 30, 36, 39)

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- F32** S. 19(6)(d) inserted (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**.
- F33** S. 19(6)(e) inserted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 42(4)(b)** (with ss. 1(4), 561, 562, **Sch. 39**) (this insertion reproduces the original insertion made by 1993 c. 35, s. 307(1), **Sch. 19 para. 66(b)** which amending provision was repealed by 1996 c. 56, ss. 582(2), 583(2), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, **Sch. 39**))
- F34** S. 19(6)(f) inserted (21.9.1994) by 1994 c. 30, s. 24, **Sch. 2 para. 6(4)(b)**; S.I. 1994/2204, art. 2(1)

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

- C2** S. 19 applied (1.4.1994) by S.I. 1994/653, reg. 42(1), **Sch. Pt. I**  
S. 19 applied (9.5.1994) by S.I. 1994/1084, reg. 8(1), **Sch. 2 Pt. I**
- C3** 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**.  
S. 19(2): transfer of functions (1.7.1999) by S.I. 1999/672, art. 2 **Sch. 1**
- C4** S. 19(5): transfer of certain functions (1.7.1999) by S.I. 1999/1750, **arts. 1, 2** **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

#### Marginal Citations

- M1** 1975 c. 65.

VALID FROM 28/07/2000

#### [<sup>F35</sup>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, 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

- F35** 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)

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