



# Race Relations Act 1976

## 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

#### ENGLAND AND WALES

<i>Establishment</i>	<i>Responsible body</i>
1. Educational establishment maintained by a local education authority.	Local education authority or managers or governors, according to which of them has the function in question.

*Status: This is the original version (as it was originally enacted).*

<i>Establishment</i>	<i>Responsible body</i>
2. Independent school not being a special school.	Proprietor.
3. Special school not maintained by a local education authority.	Proprietor.
4. University.	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 75(c) or (d) of the Education (Scotland) Act 1962.	Managers of the educational establishment
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

### 18 Other discrimination by local education authorities

- (1) It is unlawful for a local education authority, in carrying out such of its functions under the Education Acts 1944 to 1975 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 the Education (Scotland) Acts 1939 to 1974 as do not fall under section 17, to do any act which constitutes racial discrimination.

### 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.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The following provisions of the 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 71 of the Education (Scotland) Act 1962 (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 said section 71 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 68 of the Education (Scotland) Act 1962 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 or 7 of the table in section 17 ;
    - (ii) an establishment designated under section 24(1) of the Sex Discrimination Act 1975 as falling within paragraph (a) or (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 Education Act 1944.