



# Race Relations Act 1976 (Repealed)

## 1976 CHAPTER 74

### PART IV

#### OTHER UNLAWFUL ACTS

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

C1 Part IV extended by [Employment Protection Act 1975 \(c. 71\), s. 122\(2\)](#)

VALID FROM 19/07/2003

#### **27A Relationships which have come to an end**

- (1) In this section a “relevant relationship” is a relationship during the course of which, by virtue of any provision referred to in section 1(1B), taken with section 1(1) or (1A), or (as the case may be) by virtue of section 3A—
  - (a) an act of discrimination by one party to the relationship (“the relevant party”) against another party to the relationship, on grounds of race or ethnic or national origins, or
  - (b) harassment of another party to the relationship by the relevant party, is unlawful.
- (2) Where a relevant relationship has come to an end it is unlawful for the relevant party—
  - (a) to discriminate against another party, on grounds of race or ethnic or national origins, by subjecting him to a detriment, or
  - (b) to subject another party to harassment,where the discrimination or harassment arises out of and is closely connected to that relationship.

*Status: Point in time view as at 01/10/2002. 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*Changes to legislation: There are currently no known outstanding effects for the Race Relations Act 1976 (Repealed), Part IV. (See end of Document for details)*

- (3) In subsection (1) reference to an act of discrimination or harassment which is unlawful includes, in the case of a relationship which has come to an end before 19th July 2003, reference to such an act which would, after that date, be unlawful.
- (4) For the purposes of any proceedings in respect of an unlawful act under subsection (2), that act shall be treated as falling within circumstances relevant for the purposes of such of the provisions, or Parts, referred to in subsection (1) as determine most closely the nature of the relevant relationship.

## 28 Discriminatory practices.

- (1) In this section “discriminatory practice” means the application of a requirement or condition which results in an act of discrimination which is unlawful by virtue of any provision of Part II or III taken with section 1(1)(b), or which would be likely to result in such an act of discrimination if the persons to whom it is applied included persons of any particular racial group as regards which there has been no occasion for applying it.
- (2) A person acts in contravention of this section if and so long as—
  - (a) he applies a discriminatory practice; or
  - (b) he operates practices or other arrangements which in any circumstances would call for the application by him of a discriminatory practice.
- (3) Proceedings in respect of a contravention of this section shall be brought only by the Commission in accordance with sections 58 to 62.

## 29 Discriminatory advertisements.

- (1) It is unlawful to publish or to cause to be published an advertisement which indicates, or might reasonably be understood as indicating, an intention by a person to do an act of discrimination, whether the doing of that act by him would be lawful or, by virtue of Part II or III, unlawful.
- (2) Subsection (1) does not apply to an advertisement—
  - (a) if the intended act would be lawful by virtue of any of sections 5, 6, 7(3) and (4), 10(3), 26, 34(2)(b), 35 to 39 and 41; or
  - (b) if the advertisement relates to the services of an employment agency (within the meaning of section 14(1)) and the intended act only concerns employment which the employer could by virtue of section 5, 6 or 7(3) or (4) lawfully refuse to offer to persons against whom the advertisement indicates an intention to discriminate.
- (3) Subsection (1) does not apply to an advertisement which indicates that persons of any class defined otherwise than by reference to colour, race or ethnic or national origins are required for employment outside Great Britain.
- (4) The publisher of an advertisement made unlawful by subsection (1) shall not be subject to any liability under that subsection in respect of the publication of the advertisement if he proves—
  - (a) that the advertisement was published in reliance on a statement made to him by the person who caused it to be published to the effect that, by reason of the operation of subsection (2) or (3), the publication would not be unlawful; and
  - (b) that it was reasonable for him to rely on the statement.

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- (5) A person who knowingly or recklessly makes a statement such as is mentioned in subsection (4)(a) which in a material respect is false or misleading commits an offence, and shall be liable on summary conviction to a fine not exceeding [<sup>F1</sup>level 5 on the standard scale].

#### Textual Amendments

- F1** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

### 30 Instructions to discriminate.

It is unlawful for a person—

- (a) who has authority over another person; or
- (b) in accordance with whose wishes that other person is accustomed to act, to instruct him to do any act which is unlawful by virtue of Part II or III, or procure or attempt to procure the doing by him of any such act.

### 31 Pressure to discriminate.

- (1) It is unlawful to induce, or attempt to induce, a person to do any act which contravenes Part II or III.
- (2) An attempted inducement is not prevented from falling within subsection (1) because it is not made directly to the person in question, if it is made in such a way that he is likely to hear of it.

### 32 Liability of employers and principals.

- (1) Anything done by a person in the course of his employment shall be treated for the purposes of this Act (except as regards offences thereunder) as done by his employer as well as by him, whether or not it was done with the employer's knowledge or approval.
- (2) Anything done by a person as agent for another person with the authority (whether express or implied, and whether precedent or subsequent) of that other person shall be treated for the purposes of this Act (except as regards offences thereunder) as done by that other person as well as by him.
- (3) In proceedings brought under this Act against any person in respect of an act alleged to have been done by an employee of his it shall be a defence for that person to prove that he took such steps as were reasonably practicable to prevent the employee from doing that act, or from doing in the course of his employment acts of that description.

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

- C2** [S.32](#) modified by [S.I. 1989/901](#), [art. 3](#), [Sch.](#)
- C3** [S. 32](#) modified (2.3.1998) by [S.I. 1998/218](#), [art. 3](#), [Sch.](#)  
[S. 32](#) modified (1.9.1999) by [S.I. 1999/2256](#), [art. 3](#), [Sch.](#) (which S.I. is revoked (E.) (1.9.2003) by [S.I. 2003/1964](#), [art. 1\(3\)](#)) and (W.) 12.5.2006 by [S.I. 2006/1073](#), [art. 1\(3\)](#))  
[S. 32](#) modified (E.) (1.9.2003) by [The Education \(Modification of Enactments Relating to Employment\) \(England\) Order 2003 \(S.I. 2003/1964\)](#), [art. 3](#), [Sch.](#)

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S. 32 modified (W.) (12.5.2006) by [The Education \(Modification of Enactments Relating to Employment\) \(Wales\) Order 2006 \(S.I. 2006/1073\)](#), art. 3, **Sch.**

### 33 Aiding unlawful acts.

- (1) A person who knowingly aids another person to do an act made unlawful by this Act shall be treated for the purposes of this Act as himself doing an unlawful act of the like description.
- (2) For the purposes of subsection (1) an employee or agent for whose act the employer or principal is liable under section 32 (or would be so liable but for section 32(3)) shall be deemed to aid the doing of the act by the employer or principal.
- (3) A person does not under this section knowingly aid another to do an unlawful act if—
  - (a) he acts in reliance on a statement made to him by that other person that, by reason of any provision of this Act, the act which he aids would not be unlawful; and
  - (b) it is reasonable for him to rely on the statement.
- (4) A person who knowingly or recklessly makes a statement such as is mentioned in subsection (3)(a) which in a material respect is false or misleading commits an offence, and shall be liable on summary conviction to a fine not exceeding [<sup>F2</sup>level 5 on the standard scale].

#### Textual Amendments

- F2** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

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