



Race Relations Act 1976 (Repealed)

1976 CHAPTER 74

PART VII

THE COMMISSION FOR RACIAL EQUALITY

Codes of practice

47 Codes of practice.

- (1) The Commission may issue codes of practice containing such practical guidance as the Commission think fit for [^{F1}all or any]of the following purposes, namely—
 - (a) the elimination of discrimination in the field of employment;
 - (b) the promotion of equality of opportunity in that field between persons of different racial groups;
 - [^{F2}(c) the elimination of discrimination in the field of housing . . . ^{F3};
 - (d) the promotion of equality of opportunity in the field of . . . ^{F3}housing between persons of different racial groups]
 - (2) When the Commission propose to issue a code of practice, they shall prepare and publish a draft of that code, shall consider any representations made to them about the draft and may modify the draft accordingly.
 - (3) In the course of preparing any draft code of practice [^{F4}relating to the field of employment] for eventual publication under subsection (2) the Commission shall consult with—
 - (a) such organisations or associations of organisations representative of employers or of workers; and
 - (b) such other organisations, or bodies,as appear to the Commission to be appropriate.
- [^{F5}(3A) In the course of preparing any draft code of practice relating to the field of . . . ^{F3}housing for eventual publication under subsection (2) the Commission shall consult with such

Status: Point in time view as at 02/04/2001.

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organisations or bodies as appear to the Commission to be appropriate having regard to the content of the draft code.]

- (4) If the Commission determine to proceed with [^{F6}a draft code of practice], they shall transmit the draft to the Secretary of State who shall—
 - (a) if he approves of it, lay it before both Houses of Parliament; and
 - (b) if he does not approve of it, publish details of his reasons for withholding approval.
- (5) If, within the period of forty days beginning with the day on which a copy of a draft code of practice is laid before each House of Parliament, or, if such copies are laid on different days, with the later of the two days, either House so resolves, no further proceedings shall be taken thereon, but without prejudice to the laying before Parliament of a new draft.
- (6) In reckoning the period of forty days referred to in subsection (5), no account shall be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (7) If no such resolution is passed as is referred to in subsection (5), the Commission shall issue the code in the form of the draft and the code shall come into effect on such day as the Secretary of State may by order appoint.
- (8) Without prejudice to section 74(3), an order under subsection (7) may contain such transitional provisions or savings as appear to the Secretary of State to be necessary or expedient in connection with the code of practice thereby brought into operation.
- (9) The Commission may from time to time revise the whole or any part of a code of practice issued under this section and issue that revised code, and subsections (2) to (8) shall apply (with appropriate modifications) to such a revised code as they apply to the first issue of a code.
- (10) A failure on the part of any person to observe any provision of a code of practice shall not of itself render him liable to any proceedings; but in any proceedings under this Act before an [^{F7}employment tribunal][^{F8}a county court or, in Scotland, a sheriff court] any code of practice issued under this section shall be admissible in evidence, and if any provision of such a code appears to the tribunal [^{F8}or the court] to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.
- (11) Without prejudice to subsection (1), a code of practice issued under this section may include such practical guidance as the Commission think fit as to what steps it is reasonably practicable for employers to take for the purpose of preventing their employees from doing in the course of their employment acts made unlawful by this Act.

Subordinate Legislation Made

- P1** For previous exercises of this power see Index to Government Orders.
P2 [S.47\(7\)](#) power exercised by [S.I. 1991/227](#)

Textual Amendments

- F1** Words substituted by [Housing Act 1988 \(c. 50, SIF 61\)](#), [s. 137\(2\)](#)
F2 [S. 47\(1\)\(c\)\(d\)](#) added by [Housing Act 1988 \(c. 50, SIF 61\)](#), [s. 137\(2\)](#)

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- F3** Words repealed by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 180, 194, **Sch. 12 Pt. II**
- F4** Words inserted by Housing Act 1988 (c. 50, SIF 61), **s. 137(3)**
- F5** S. 47(3A) inserted by Housing Act 1988 (c. 50, SIF 61), **s. 137(3)**
- F6** Words substituted by Housing Act 1988 (c. 50, SIF 61), **s. 137(4)**
- F7** Words in s. 47(10) substituted (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F8** Words inserted by Housing Act 1988 (c. 50, SIF 61), **s. 137(5)**

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