



Race Relations Act 1976 (Repealed)

1976 CHAPTER 74

PART VIII

ENFORCEMENT

Enforcement in employment field

54 Jurisdiction of [^{F1}employment tribunals].

(1) A complaint by any person ("the complainant") that another person ("the respondent")

- (a) has committed an act ^{F2} . . . against the complainant which is unlawful by virtue of Part II [^{F3}, section 76ZA or, in relation to discrimination on grounds of race or ethnic or national origins, or harassment, section 26A, 26B or 76] ; or
- (b) is by virtue of section 32 or 33 to be treated as having committed such an act ^{F2} . . . against the complainant,

may be presented to an [^{F4}employment tribunal].

(2) Subsection (1) does not apply to a complaint under section 12(1) of an act in respect of which an appeal, or proceedings in the nature of an appeal, may be brought under any enactment, ^{F5} . . .

Textual Amendments

F1 Words in s. 54 sidenote substituted (1.8.1998) by 1998 c. 8, s. 1(2)(b); S.I. 1998/1658, art. 2(1), **Sch. 1**

F2 Words in s. 54(1) omitted (19.7.2003) by virtue of [The Race Relations Act 1976 \(Amendment\) Regulation 2003 \(S.I. 2003/1626\)](#), **reg. 40(a)**

F3 Words in s. 54(1)(a) inserted (19.7.2003) by [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\)](#), **reg. 40(b)**

F4 Words in s. 54(1) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a); S.I. 1998/1658, art. 2(1), **Sch. 1**

F5 Words in s. 54(2) repealed (1.5.2001) by 1996 c. 46, s. 35(2), **Sch. 7 Pt. III**; S.I. 2001/1519, **art. 2**

Status: Point in time view as at 01/04/2005.

Changes to legislation: There are currently no known outstanding effects for the Race Relations Act 1976 (Repealed), Cross Heading: Enforcement in employment field. (See end of Document for details)

54A Burden of proof: employment tribunals

- (1) This section applies where a complaint is presented under section 54 and the complaint is that the respondent—
 - (a) has committed an act of discrimination, on grounds of race or ethnic or national origins, which is unlawful by virtue of any provision referred to in section 1(1B)(a), (e) or (f), or Part IV in its application to those provisions, or
 - (b) has committed an act of harassment.
- (2) Where, on the hearing of the complaint, the complainant proves facts from which the tribunal could, apart from this section, conclude in the absence of an adequate explanation that the respondent—
 - (a) has committed such an act of discrimination or harassment against the complainant, or
 - (b) is by virtue of section 32 or 33 to be treated as having committed such an act of discrimination or harassment against the complainant,
 the tribunal shall uphold the complaint unless the respondent proves that he did not commit or, as the case may be, is not to be treated as having committed, that act.

^{F6}55

Textual Amendments

F6 S. 55 repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, **Sch. 3 Pt. I** (with s. 38) and subject to an amendment (1.8.1998) by 1998 c. 8, **s. 1(2)(a)** (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

56 Remedies on complaint under s. 54.

- (1) Where an [^{F7}employment tribunal] finds that a complaint presented to it under section 54 is well-founded, the tribunal shall make such of the following as it considers just and equitable—
 - (a) an order declaring the rights of the complainant and the respondent in relation to the act to which the complaint relates;
 - (b) an order requiring the respondent to pay to the complainant compensation of an amount corresponding to any damages he could have been ordered by a county court or by a sheriff court to pay to the complainant if the complaint had fallen to be dealt with under section 57;
 - (c) a recommendation that the respondent take within a specified period action appearing to the tribunal to be practicable for the purpose of obviating or reducing the adverse effect on the complainant of any act of discrimination to which the complaint relates.

^{F8}(2)

^{F9}(3)

- (4) If without reasonable justification the respondent to a complaint fails to comply with a recommendation made by an [^{F7}employment tribunal] under subsection (1)(c), then, if it thinks it just and equitable to do so—

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- (a) the tribunal may ^{F10} . . . increase the amount of compensation required to be paid to the complainant in respect of the complaint by an order made under subsection (1)(b); or
- (b) if an order under subsection (1)(b) could have been made but was not, the tribunal may make such an order.

[^{F11}(5) The Secretary of State may by regulations make provision—

- (a) for enabling a tribunal, where an amount of compensation falls to be awarded under subsection (1)(b), to include in the award interest on that amount; and
- (b) specifying, for cases where a tribunal decides that an award is to include an amount in respect of interest, the manner in which and the periods and rate by reference to which the interest is to be determined;

and the regulations may contain such incidental and supplementary provisions as the Secretary of State considers appropriate.

- (6) The Secretary of State may by regulations modify the operation of any order made under [^{F12}section 14 of the [^{F13}Employment Tribunals Act 1996]] (power to make provision as to interest on sums payable in pursuance of [^{F7}employment tribunal] decisions) to the extent that it relates to an award of compensation under subsection (1) (b).]

Textual Amendments

- F7** Words in s. 56(1)(4)(6) 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** S. 56(2) repealed (3.7.1994) by 1994 c. 10, ss. 1(1), 3(2)(3), **Sch.**
- F9** S. 56(3) repealed (22.11.1993) by S.I. 1993/2798, reg. 1(3), **Sch. para. 1**
- F10** Words in s. 56(4) repealed (3.7.1994) by 1994 c. 10, ss. 3(2)(3), **Sch.**
- F11** S. 56(5)(6) inserted (3.7.1994) by 1994 c. 10, ss. 2(1), 3(3)
- F12** Words in s. 56(6) substituted (22.8.1996) by 1996 c. 17, ss. 43, 46, **Sch. 1** (with s. 38)
- F13** Words in s. 56(6) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(c) (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**

Modifications etc. (not altering text)

- C1** S. 56 amended by Employment Protection (Consolidation) Act 1978 (c. 44), s. 76.

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Changes to legislation:

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