



Race Relations Act 1976 (Repealed)

1976 CHAPTER 74

PART VIII

ENFORCEMENT

Help for persons suffering discrimination

65 Help for aggrieved persons in obtaining information etc.

- (1) With a view to helping a person ("the person aggrieved") who considers he may have been discriminated against in contravention of this Act to decide whether to institute proceedings and, if he does so, to formulate and present his case in the most effective manner, the Secretary of State shall by order prescribe—
 - (a) forms by which the person aggrieved may question the respondent on his reasons for doing any relevant act, or on any other matter which is or may be relevant; and
 - (b) forms by which the respondent may if he so wishes reply to any questions.
- (2) Where the person aggrieved questions the respondent (whether in accordance with an order under subsection (1) or not)—
 - (a) the question, and any reply by the respondent (whether in accordance with such an order or not) shall, subject to the following provisions of this section, be admissible as evidence in the proceedings;
 - (b) if it appears to the court or tribunal that the respondent deliberately, and without reasonable excuse, omitted to reply within a reasonable period or that his reply is evasive or equivocal, the court or tribunal may draw any inference from that fact that it considers it just and equitable to draw, including an inference that he committed an unlawful act.
- (3) The Secretary of State may by order—
 - (a) prescribe the period within which questions must be duly served in order to be admissible under subsection (2)(a); and

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- (b) prescribe the manner in which a question, and any reply by the respondent, may be duly served.
- (4) Rules may enable the court entertaining a claim under section 57 to determine, before the date fixed for the hearing of the claim, whether a question or reply is admissible under this section or not.
- [^{F1}(4A) In section 19B proceedings, subsection (2)(b) does not apply in relation to a failure to reply, or a particular reply, if the conditions specified in subsection (4B) are satisfied.
- (4B) Those conditions are that—
- (a) at the time of doing any relevant act, the respondent was carrying out public investigator functions or was a public prosecutor; and
 - (b) he reasonably believes that a reply or (as the case may be) a different reply would be likely to prejudice any criminal investigation, any decision to institute criminal proceedings or any criminal proceedings or would reveal the reasons behind a decision not to institute, or a decision not to continue, criminal proceedings.
- (4C) For the purposes of subsections (4A) and (4B)—
- “public investigator functions” has the same meaning as in section 57;
- “section 19B proceedings” means proceedings in respect of a claim under section 57 which has arisen by virtue of section 19B.]
- (5) This section is without prejudice to any other enactment or rule of law regulating interlocutory and preliminary matters in proceedings before a county court, sheriff court or [^{F2}employment tribunal], and has effect subject to any enactment or rule of law regulating the admissibility of evidence in such proceedings.
- (6) In this section “respondent” includes a prospective respondent and “rules”—
- (a) in relation to county court proceedings, means county court rules;
 - (b) in relation to sheriff court proceedings, means sheriff court rules.
- [^{F3}(7) This section does not apply in relation to any proceedings under—
- (a) the Special Immigration Appeals Commission Act 1997; or
 - (b) Part IV of the Immigration and Asylum Act 1999.]

Textual Amendments

- F1** S. 65(4A)-(4C) inserted (2.4.2001) by 2000 c. 34, s. 5(2) (with s. 10(5)); S.I. 2001/566, art. 2(1)
- F2** Words in s. 65(5) 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
- F3** S. 65(7) inserted (2.4.2001) by 2000 c. 34, s. 9(1), Sch. 2 para. 10 (with s. 10(5)); S.I. 2001/566, art. 2(1)

66 Assistance by Commission.

- (1) Where, in relation to proceedings or prospective proceedings under this Act, an individual who is an actual or prospective complainant or claimant applies to the Commission for assistance under this section, the Commission shall consider the application and may grant it if they think fit to do so—
- (a) on the ground that the case raises a question of principle; or

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- (b) on the ground that it is unreasonable, having regard to the complexity of the case, or to the applicant's position in relation to the respondent or another person involved, or to any other matter, to expect the applicant to deal with the case unaided; or
 - (c) by reason of any other special consideration.
- (2) Assistance by the Commission under this section may include—
 - (a) giving advice;
 - (b) procuring or attempting to procure the settlement of any matter in dispute;
 - (c) arranging for the giving of advice or assistance by a solicitor or counsel;
 - (d) arranging for representation by any person, including all such assistance as is usually given by a solicitor or counsel in the steps preliminary or incidental to any proceedings, or in arriving at or giving effect to a compromise to avoid or bring to an end any proceedings;
 - (e) any other form of assistance which the Commission may consider appropriate, but paragraph (d) shall not affect the law and practice regulating the descriptions of persons who may appear in, conduct, defend, and address the court in, any proceedings.
- (3) Where under subsection (1) an application for assistance under this section is made in writing, the Commission shall, within the period of two months beginning when the application is received—
 - (a) consider the application after making such enquiries as they think fit; and
 - (b) decide whether or not to grant it; and
 - (c) inform the applicant of their decision, stating whether or not assistance under this section is to be provided by the Commission and, if so, what form it will take.
- (4) If, in a case where subsection (3) applies, the Commission within the period of two months there mentioned give notice to the applicant that, in relation to his application—
 - (a) the period of two months allowed them by that subsection is by virtue of the notice extended to three months; and
 - (b) the reference to two months in section 68(3) is by virtue of the notice to be read as a reference to three months,subsection (3) and section 68(3) shall have effect accordingly.
- (5) In so far as expenses are incurred by the Commission in providing the applicant with assistance under this section, the recovery of those expenses (as taxed or assessed in such manner as may be prescribed by rules or regulations) shall constitute a first charge for the benefit of the Commission—
 - (a) on any costs or expenses which (whether by virtue of a judgment or order of a court or tribunal or an agreement or otherwise) are payable to the applicant by any other person in respect of the matter in connection with which the assistance is given; and
 - (b) so far as relates to any costs or expenses, on his rights under any compromise or settlement arrived at in connection with that matter to avoid or bring to an end any proceedings.
- (6) The charge conferred by subsection (5) is subject to any charge [^{F4}imposed by section 10(7) of the Access to Justice Act 1999], or any charge or obligation for payment in priority to other debts under [^{F5}the ^{M1}Legal Aid and Advice (Scotland)

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Acts 1967^{M2} and 1972][^{F5}the Legal Aid (Scotland) Act 1986], and is subject to any provision in [^{F6},or made under,][^{F7}either of those Acts for payment of any sum to the [^{F8}Legal Services Commission] or into the Scottish Legal Aid Fund].

(7) In this section “respondent” includes a prospective respondent and “rules or regulations”—

- (a) in relation to county court proceedings, means county court rules;
- (b) in relation to sheriff court proceedings, means sheriff court rules;
- (c) in relation to [^{F9}employment tribunal] proceedings, means [^{F10}[^{F9}employment tribunal] procedure regulations under Part I of [^{F11}the Employment Tribunals Act 1996]]

[^{F12}(8) This section (except for subsection (4)) applies to proceedings or prospective proceedings under the Special Immigration Appeals Commission Act 1997 or Part IV of the Immigration and Asylum Act 1999 so far as they relate to acts which may be unlawful by virtue of section 19B as it applies to proceedings or prospective proceedings under this Act.

(9) In this section as it applies by virtue of subsection (8) “rules and regulations” means—

- (a) in relation to proceedings under the Act of 1997, rules under section 5 or 8 of that Act;
- (b) in relation to proceedings under Part IV of the Act of 1999, rules under paragraph 3 or 4 of Schedule 4 to that Act.]

Textual Amendments

- F4** Words in s. 66(6) substituted (1.4.2000) by 1999 c. 22, s. 24, **Sch. 4 para. 14(a)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2000/774, **art. 2** (subject to arts. 3, 4)
- F5** Words “the Legal Aid (Scotland) Act 1986” substituted (S.) for “the Legal Aid and Advice (Scotland) Acts 1967 and 1972” by **Legal Aid (Scotland) Act 1986** (c. 47, SIF 77:2), s. 45, **Sch. 3 para. 6**
- F6** Words in s. 66(6) inserted (1.4.2000) by 1999 c. 22, s. 24, **Sch. 4 para. 14(b)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2000/774, **art. 2** (subject to arts. 3, 4)
- F7** Words substituted by **Legal Aid Act 1988** (c. 34, SIF 77:1), s. 45, **Sch. 5 para. 7(b)**
- F8** Words in s. 66(6) substituted (1.4.2000) by 1999 c. 22, s. 24, **Sch. 4 para. 14(c)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2000/774, **art. 2** (subject to arts. 3, 4)
- F9** Words in s. 66(7)(c) 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**
- F10** Words in s. 66(7)(c) substituted (22.8.1996) by 1996 c. 17, ss. 43, 46, **Sch. 1 para. 4** (with s. 38)
- F11** Words in s. 66(7)(c) 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**
- F12** S. 66(8)(9) inserted (2.4.2001) by 2000 c. 34, s. 9(1), **Sch. 2 para. 11** (with s. 10(5)); S.I. 2001/566, **art. 2(1)**

Modifications etc. (not altering text)

- C1** S. 66(2)(c)(d) amended (E.W.) (1.1.1992) by S.I. 1991/2684, arts. 2(1), 4, **Sch. 1**

Marginal Citations

- M1** 1967 c. 43.
M2 1972 c. 50.

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