



Race Relations Act 1976 (Repealed)

1976 CHAPTER 74

PART II

DISCRIMINATION IN THE EMPLOYMENT FIELD

Discrimination by employers

5 Exceptions for genuine occupational qualifications.

- (1) In relation to racial discrimination [^{F1}in cases where section 4A does not apply]—
 - (a) section 4(1)(a) or (c) does not apply to any employment where being of a particular racial group is a genuine occupational qualification for the job; and
 - (b) section 4(2)(b) does not apply to opportunities for promotion or transfer to, or training for, such employment.
- (2) Being of a particular racial group is a genuine occupational qualification for a job only where—
 - (a) the job involves participation in a dramatic performance or other entertainment in a capacity for which a person of that racial group is required for reasons of authenticity; or
 - (b) the job involves participation as an artist's or photographic model in the production of a work of art, visual image or sequence of visual images for which a person of that racial group is required for reasons of authenticity; or
 - (c) the job involves working in a place where food or drink is (for payment or not) provided to and consumed by members of the public or a section of the public in a particular setting for which, in that job, a person of that racial group is required for reasons of authenticity; or
 - (d) the holder of the job provides persons of that racial group with personal services promoting their welfare, and those services can most effectively be provided by a person of that racial group.
- (3) Subsection (2) applies where some only of the duties of the job fall within paragraph (a), (b), (c) or (d) as well as where all of them do.

Status: Point in time view as at 01/04/2005. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Race Relations Act 1976 (Repealed), Section 5. (See end of Document for details)

- (4) Paragraph (a), (b), (c) or (d) of subsection (2) does not apply in relation to the filling of a vacancy at a time when the employer already has employees of the racial group in question—
- (a) who are capable of carrying out the duties falling within that paragraph; and
 - (b) whom it would be reasonable to employ on those duties; and
 - (c) whose numbers are sufficient to meet the employer’s likely requirements in respect of those duties without undue inconvenience.

Textual Amendments

- F1** Words in s. 5(1) inserted (19.7.2003) by [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\)](#), [reg. 8](#)

Modifications etc. (not altering text)

- C1** S. 5 modified by [S.I. 1989/901](#), art. 3, [Sch.](#)
 S. 5 modified (E.W.) (2.3.1998) by [S.I. 1998/218](#), art. 3, [Sch.](#)
 S. 5 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. 5 modified (E.) (1.9.2003) by [The Education \(Modification of Enactments Relating to Employment\) \(England\) Order 2003 \(S.I. 2003/1964\)](#), art. 3, [Sch.](#)
 S. 5 modified (W.) (12.5.2006) by [The Education \(Modification of Enactments Relating to Employment\) \(Wales\) Order 2006 \(S.I. 2006/1073\)](#), art. 3, [Sch.](#)

Status:

Point in time view as at 01/04/2005. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Race Relations Act 1976 (Repealed), Section 5.