



# Race Relations Act 1976 (Repealed)

## 1976 CHAPTER 74

### PART VIII

#### ENFORCEMENT

##### *Enforcement of Part III*

#### 57 Claims under Part III [<sup>F1</sup>etc.].

- (1) A claim by any person ("the claimant") that another person ("the respondent")—
- (a) has committed an act <sup>F2</sup>. . . against the claimant which is unlawful by virtue of Part III [<sup>F3</sup> other than, in relation to discrimination on grounds of race or ethnic or national origins, or harassment, section 26A or 26B] ; or
  - (b) is by virtue of section 32 or 33 to be treated as having committed such an act <sup>F2</sup>. . . against the claimant,

may be made the subject of civil proceedings in like manner as any other claim in tort or (in Scotland) in reparation for breach of statutory duty.

- (2) Proceedings under subsection (1)—
- (a) shall, in England and Wales, be brought only in a designated county court; and
  - (b) shall, in Scotland, be brought only in a sheriff court;
- but all such remedies shall be obtainable in such proceedings as, apart from this subsection and section 53(1), would be obtainable in the High Court or the Court of Session, as the case may be.
- (3) As respects an unlawful act of discrimination falling within section 1(1)(b), no award of damages shall be made if the respondent proves that the requirement or condition in question was not applied with the intention of treating the claimant unfavourably on racial grounds.
- (4) For the avoidance of doubt it is hereby declared that damages in respect of an unlawful act of discrimination may include compensation for injury to feelings whether or not they include compensation under any other head.

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*Status: Point in time view as at 28/03/2009. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Race Relations Act 1976 (Repealed), Section 57. (See end of Document for details)*

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[<sup>F4</sup>(4A) As respects an act which is done, or by virtue of section 32 or 33 is treated as done, by a person in carrying out public investigator functions or functions as a public prosecutor and which is unlawful by virtue of section 19B, no remedy other than—

- (a) damages; or
- (b) a declaration or, in Scotland, a declarator;

shall be obtainable unless the court is satisfied that the remedy concerned would not prejudice a criminal investigation, a decision to institute criminal proceedings or any criminal proceedings.

(4B) In this section—

“criminal investigation” means—

- (a) any investigation which a person in carrying out functions to which section 19B applies has a duty to conduct with a view to it being ascertained whether a person should be charged with, or in Scotland prosecuted for, an offence, or whether a person charged with or prosecuted for an offence is guilty of it;
- (b) any investigation which is conducted by a person in carrying out functions to which section 19B applies and which in the circumstances may lead to a decision by that person to institute criminal proceedings which the person has power to conduct; or
- (c) any investigation which is conducted by a person in carrying out functions to which section 19B applies and which in the circumstances may lead to a decision by that person to make a report to the procurator fiscal for the purpose of enabling him to determine whether criminal proceedings should be instituted; and

“public investigator functions” means functions of conducting criminal investigations or charging offenders;

and in this subsection “offence” includes [<sup>F5</sup>any service offence within the meaning of the Armed Forces Act 2006] (and “offender” shall be construed accordingly).

(4C) Subsection (4D) applies where a party to proceedings under subsection (1) which have arisen by virtue of section 19B has applied for a stay or sist of those proceedings on the grounds of prejudice to—

- (a) particular criminal proceedings;
- (b) a criminal investigation; or
- (c) a decision to institute criminal proceedings.

(4D) The court shall grant the stay or sist unless it is satisfied that the continuance of the proceedings under subsection (1) would not result in the prejudice alleged.]

(5) Civil proceedings in respect of a claim by any person that he has been discriminated against in contravention of section 17 or 18 by a body to which [<sup>F6</sup>subsection (5A)] applies shall not be instituted unless the claimant has given notice of the claim to the Secretary of State <sup>F7</sup>. . . .

[<sup>F8</sup>(5A) This subsection applies to—

- (a) local education authorities in England and Wales;
- (b) education authorities in Scotland; and
- (c) any body which is a responsible body in relation to an establishment falling within paragraph 3, 3B or 7B of the table in section 17.]

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(6) In Scotland, when any proceedings are brought under this section, in addition to the service on the defender of a copy of the summons or initial writ initiating the action a copy thereof shall be sent as soon as practicable to the Commission in a manner to be prescribed by Act of Sederunt.

[<sup>F9</sup>(7) This section has effect subject to section 57A.]

#### Textual Amendments

- F1** S. 57: word in heading inserted (19.7.2003) by [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\)](#), [reg. 42\(1\)](#)
- F2** Words in s. 57(1) omitted (19.7.2003) by virtue of [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\)](#), [reg. 42\(2\)\(a\)](#)
- F3** Words in s. 57(1) inserted (19.7.2003) by [The Race Relations Act 1976 \(Amendment\) Regulations 2003 \(S.I. 2003/1626\)](#), [reg. 42\(2\)\(b\)](#)
- F4** S. 57(4A)-(4D) inserted (2.4.2001) by 2000 c. 34, s. 5(1) (with s. 10(5)); S.I. 2001/566, [art. 2\(1\)](#)
- F5** Words in s. 57(4B) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383, [Sch. 16 para. 79](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F6** Words in s. 57(5) substituted (2.4.2001) by 2000 c. 34, s. 9(1), [Sch. 2 para. 6\(a\)](#) (with s. 10(5)); S.I. 2001/566, [art. 2\(1\)](#)
- F7** Words in s. 57(5) repealed (2.4.2001) by 2000 c. 34, s. 9(1)(2), [Sch. 2 para. 6\(b\)](#), [Sch. 3](#) (with s. 10(5)); S.I. 2001/566, [art. 2\(1\)](#)
- F8** S. 57(5A) inserted (2.4.2001) by 2000 c. 34, s. 9(1), [Sch. 2 para. 7](#) (with s. 10(5)); S.I. 2001/566, [art. 2\(1\)](#)
- F9** S. 57(7) added (2.4.2001) by 2000 c. 34, s. 6(1)(with s. 10(5)); S.I. 2001/566, [art. 2\(1\)](#)

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

- C1** S. 57(4B) modified (24.4.2009 for certain purposes and 31.10.2009 otherwise) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), 205, [Sch. 1 para. 16\(1\)](#)
- C2** S. 57(5): transfer of functions (1.7.1999) by S.I. 1999/672, [art. 2](#), [Sch. 1](#)  
S. 57(5): transfer of functions (S.) (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, [Sch. 1](#) (with [art. 7](#)); S.I. 1998/3178, [art. 3](#)

**Status:**

Point in time view as at 28/03/2009. 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 57.