



# Race Relations Act 1976 (Repealed)

## 1976 CHAPTER 74

### PART VIII

#### ENFORCEMENT

##### *Period within which proceedings to be brought*

#### **68 Period within which proceedings to be brought.**

- (1) An [<sup>F1</sup>employment tribunal] shall not consider a complaint under section 54 unless it is presented to the tribunal before the end of [<sup>F2</sup>—
- (a) the period of three months beginning when the act complained of was done; or
  - (b) in a case to which section 75(8) applies, the period of six months so beginning.]

- (2) [<sup>F3</sup>Subject to subsection (2A)] a county court or a sheriff court shall not consider a claim under section 57 unless proceedings in respect of the claim are instituted before the end of—
- (a) the period of six months beginning when the act complained of was done; <sup>F4</sup> . . .
  - <sup>F4</sup>(b) . . . . .

[<sup>F5</sup>(2A) In relation to an immigration claim within the meaning of section 57A, the period of six months mentioned in subsection (2)(a) begins on the expiry of the period during which, by virtue of section 57A(1)(a), no proceedings may be brought under section 57(1) in respect of the claim.]

- (3) Where, in relation to proceedings or prospective proceedings by way of a claim under section 57, an application for assistance under section 66 is made to the Commission before the end of the period of six <sup>F6</sup> . . . months mentioned in paragraph (a) <sup>F6</sup> . . . of subsection (2), the period allowed by that paragraph for instituting proceedings in respect of the claim shall be extended by two months.

[<sup>F7</sup>(3A) Where in England and Wales—

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*Status: Point in time view as at 01/11/2004. This version of this provision has been superseded.*

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- (a) proceedings or prospective proceedings by way of a claim under section 57 relate to the act or omission of a qualifying institution,
  - (b) the dispute concerned is referred as a complaint under the student complaints scheme before the end of the period of six months mentioned in subsection (2), and
  - (c) subsection (3) does not apply,
- the period allowed by subsection (2) for instituting proceedings in respect of the claim shall be extended by two months.

(3B) In subsection (3A)—

“qualifying institution” has the meaning given by section 11 of the Higher Education Act 2004;

“the student complaints scheme” means a scheme for the review of qualifying complaints, as defined by section 12 of that Act, that is provided by the designated operator, as defined by section 13(5)(b) of that Act.]

- (4) An [<sup>F1</sup>employment tribunal], county court or sheriff court shall not consider an application under section 63(2)(a) unless it is made before the end of the period of six months beginning when the act to which it relates was done; and a county court or sheriff court shall not consider an application under section 63(4) unless it is made before the end of the period of five years so beginning.
- (5) An [<sup>F1</sup>employment tribunal] shall not consider a complaint under section 64(1) unless it is presented to the tribunal before the end of the period of six months beginning when the act complained of was done.
- (6) A court or tribunal may nevertheless consider any such complaint, claim or application which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.
- (7) For the purposes of this section—
  - (a) when the inclusion of any term in a contract renders the making of the contract an unlawful act, that act shall be treated as extending throughout the duration of the contract; and
  - (b) any act extending over a period shall be treated as done at the end of that period; and
  - (c) a deliberate omission shall be treated as done when the person in question decided upon it;

and in the absence of evidence establishing the contrary a person shall be taken for the purposes of this section to decide upon an omission when he does an act inconsistent with doing the omitted act or, if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the omitted act if it was to be done.

#### Textual Amendments

- F1** Words in s. 68(1)(4)(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
- F2** S. 68(1)(a)(b) substituted for words in s. 68(1) (1.10.1997) by 1996 c. 46, s. 23(4); S.I. 1997/2164, arts. 2, 3
- F3** Words s. 68(2) inserted (2.4.2001) by 2000 c. 34, s. 9(1), Sch. 2 para. 13 (with s. 10(5)); S.I. 2001/566, art. 2(1)

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- F4** S. 68(2)(b) and the word “or” immediately preceding it repealed (2.4.2001) by 2000 c. 34, s. 9(2), **Sch. 3** (with s. 10(5)); S.I. 2001/566, **art. 2(1)**
- F5** S. 68(2A) inserted (2.4.2001) by 2000 c. 34, s. 9(1), **Sch. 2 para. 14** (with s. 10(5)); S.I. 2001/566, **art. 2(1)**
- F6** Words in s. 68(3) repealed (2.4.2001) by 2000 c. 34, s. 9(2), **Sch. 3** (with s. 10(5)); S.I. 2001/566, **art. 2(1)**
- F7** S. 68(3A)(3B) inserted (1.11.2004) by Higher Education Act 2004 (c. 8), **s. 19(2)**; S.I. 2004/2781, **art. 3**

**Status:**

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**Changes to legislation:**

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