



# Race Relations Act 1976 (Repealed)

## 1976 CHAPTER 74

### PART X

#### SUPPLEMENTAL

#### 72 Validity and revision of contracts.

- (1) A term of a contract is void where—
    - (a) its inclusion renders the making of the contract unlawful by virtue of this Act; or
    - (b) it is included in furtherance of an act rendered unlawful by this Act; or
    - (c) it provides for the doing of an act which would be rendered unlawful by this Act.
  - (2) Subsection (1) does not apply to a term the inclusion of which constitutes, or is in furtherance of, or provides for, unlawful discrimination against a party to the contract, but the term shall be unenforceable against that party.
  - (3) A term in a contract which purports to exclude or limit any provision of this Act is unenforceable by any person in whose favour the term would operate apart from this subsection.
  - (4) Subsection (3) does not apply—
    - (a) to a contract settling a complaint to which section 54(1) applies where the contract is made with the assistance of a conciliation officer; or
    - [<sup>F1</sup>(aa) to a contract settling a complaint to which section 54(1) applies if the conditions regulating compromise contracts under this Act are satisfied in relation to the contract;]
    - (b) to a contract settling a claim to which section 57 applies.
- [<sup>F2</sup>(4A) The conditions regulating compromise contracts under this Act are that—
- (a) the contract must be in writing;
  - (b) the contract must relate to the particular complaint;

---

*Status: Point in time view as at 30/08/1993. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Race Relations Act 1976 (Repealed), Section 72. (See end of Document for details)*

---

- (c) the complainant must have received independent legal advice from a qualified lawyer as to the terms and effect of the proposed contract and in particular its effect on his ability to pursue his complaint before an industrial tribunal;
- (d) there must be in force, when the adviser gives the advice, a policy of insurance covering the risk of a claim by the complainant in respect of loss arising in consequence of the advice;
- (e) the contract must identify the adviser; and
- (f) the contract must state that the conditions regulating compromise contracts under this Act are satisfied.

(4B) In subsection (4A)—

“independent”, in relation to legal advice to the complainant, means that it is given by a lawyer who is not acting for the other party or for a person who is connected with that other party; and

“qualified lawyer” means—

- (a) as respects proceedings in England and Wales—
  - (i) a barrister, whether in practice as such or employed to give legal advice, or
  - (ii) a solicitor of the Supreme Court who holds a practising certificate.
- (b) as respects proceedings in Scotland—
  - (i) an advocate, whether in practice as such or employed to give legal advice, or
  - (ii) a solicitor who holds a practising certificate.

(4C) For the purposes of subsection (4B) any two persons are to be treated as “connected” if one is a company of which the other (directly or indirectly) has control, or if both are companies of which a third person (directly or indirectly) has control.]

- (5) On the application of any person interested in a contract to which subsection (2) applies, a designated county court or a sheriff court may make such order as it thinks just for removing or modifying any term made unenforceable by that subsection; but such an order shall not be made unless all persons affected have been given notice of the application (except where under rules of court notice may be dispensed with) and have been afforded an opportunity to make representations to the court.
- (6) An order under subsection (5) may include provision as respects any period before the making of the order.

#### Textual Amendments

**F1** S. 72(4)(aa) inserted (30.8.1993) by 1993 c. 19, s. 39(2), **Sch. 6 para. 2(a)**; S.I. 1993/1908, art. 2(1), **Sch. 1**.

**F2** S. 72(4A)-(4C) inserted (30.8.1993) by 1993 c. 19, s. 39(2), **Sch. 6 para. 2(b)**; S.I. 1993/1908, art. 2(1), **Sch. 1**.

**Status:**

Point in time view as at 30/08/1993. 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 72.