



Race Relations Act 1976 (Repealed)

1976 CHAPTER 74

PART X

SUPPLEMENTAL

72B

- (1) A person to whom this subsection applies may present a complaint to an employment tribunal that a term or rule is void by virtue of section 72A if he has reason to believe—
 - (a) that the term or rule may at some future time have effect in relation to him; and
 - (b) where he alleges that it is void by virtue of section 72A(2)(c), that—
 - (i) an act for the doing of which it provides may at some such time be done in relation to him, and
 - (ii) the act would be rendered unlawful on grounds of race or ethnic or national origins by a provision referred to in section 1(1B) if done in relation to him in present circumstances.
- (2) In the case of a complaint about—
 - (a) a term of a collective agreement made by or on behalf of—
 - (i) an employer;
 - (ii) an organisation of employers of which an employer is a member; or
 - (iii) an association of such organisations of one of which an employer is a member; or
 - (b) a rule made by an employer, within the meaning of section 72A(1)(b);subsection (1) applies to any person who is, or is genuinely and actively seeking to become, one of his employees.
- (3) In the case of a complaint about a rule made by an organisation or body to which section 72A(1)(c) applies, subsection (1) applies to any person—
 - (a) who is, or is genuinely and actively seeking to become, a member of the organisation or body;
 - (b) on whom the organisation or body has conferred an authorisation or qualification; or

Status: Point in time view as at 01/08/2004. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Race Relations Act 1976 (Repealed), Section 72B.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

- (c) who is genuinely and actively seeking an authorisation or qualification which the organisation or body has power to confer.
- (4) When an employment tribunal finds that a complaint presented to it under subsection (1) is well-founded the tribunal shall make an order declaring that the term or rule is void.
- (5) An order under subsection (4) may include provision as respects any period before the making of the order (but after 19th July 2003).
- (6) The avoidance by virtue of section 72 A(2) of any term or rule which provides for any person to be discriminated against shall be without prejudice to the following rights (except in so far as they enable any person to require another person to be treated less favourably than himself) namely—
 - (a) such of the rights of the person to be discriminated against, and
 - (b) such of the rights of any person who will be treated more favourably in direct or indirect consequence of the discrimination,as are conferred by or in respect of a contract made or modified wholly or partly in pursuance of, or by reference to, that term or rule.

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