



# Race Relations (Amendment) Act 2000

## 2000 CHAPTER 34

*Further extension of 1976 Act to police and other public authorities*

### **1 Discrimination by police and other public authorities**

After section 19A of the Race Relations Act 1976 (in this Act referred to as “the 1976 Act”) there is inserted—

*“Public authorities*

#### **19B Discrimination by public authorities**

- (1) It is unlawful for a public authority in carrying out any functions of the authority to do any act which constitutes discrimination.
- (2) In this section “public authority”—
  - (a) includes any person certain of whose functions are functions of a public nature; but
  - (b) does not include any person mentioned in subsection (3).
- (3) The persons mentioned in this subsection are—
  - (a) either House of Parliament;
  - (b) a person exercising functions in connection with proceedings in Parliament;
  - (c) the Security Service;
  - (d) the Secret Intelligence Service;
  - (e) the Government Communications Headquarters; and
  - (f) any unit or part of a unit of any of the naval, military or air forces of the Crown which is for the time being required by the Secretary of State to assist the Government Communications Headquarters in carrying out its functions.
- (4) In relation to a particular act, a person is not a public authority by virtue only of subsection (2)(a) if the nature of the act is private.

- (5) This section is subject to sections 19C to 19F.
- (6) Nothing in this section makes unlawful any act of discrimination which—
  - (a) is made unlawful by virtue of any other provision of this Act; or
  - (b) would be so made but for any provision made by or under this Act.

**19C Exceptions or further exceptions from section 19B for judicial and legislative acts etc**

- (1) Section 19B does not apply to—
  - (a) any judicial act (whether done by a court, tribunal or other person); or
  - (b) any act done on the instructions, or on behalf, of a person acting in a judicial capacity.
- (2) Section 19B does not apply to any act of, or relating to, making, confirming or approving any enactment or Order in Council or any instrument made by a Minister of the Crown under an enactment.
- (3) Section 19B does not apply to any act of, or relating to, making or approving arrangements, or imposing requirements or conditions, of a kind falling within section 41.
- (4) Section 19B does not apply to any act of, or relating to, imposing a requirement, or giving an express authorisation, of a kind mentioned in section 19D(3) in relation to the carrying out of immigration and nationality functions.
- (5) In this section—
  - “immigration and nationality functions” has the meaning given in section 19D; and
  - “Minister of the Crown” includes the National Assembly for Wales and a member of the Scottish Executive.

**19D Exception from section 19B for certain acts in immigration and nationality cases**

- (1) Section 19B does not make it unlawful for a relevant person to discriminate against another person on grounds of nationality or ethnic or national origins in carrying out immigration and nationality functions.
- (2) For the purposes of subsection (1), “relevant person” means—
  - (a) a Minister of the Crown acting personally; or
  - (b) any other person acting in accordance with a relevant authorisation.
- (3) In subsection (2), “relevant authorisation” means a requirement imposed or express authorisation given—
  - (a) with respect to a particular case or class of case, by a Minister of the Crown acting personally;
  - (b) with respect to a particular class of case—
    - (i) by any of the enactments mentioned in subsection (5); or
    - (ii) by any instrument made under or by virtue of any of those enactments.

- (4) For the purposes of subsection (1), “immigration and nationality functions” means functions exercisable by virtue of any of the enactments mentioned in subsection (5).
- (5) Those enactments are—
- (a) the Immigration Acts (within the meaning of the Immigration and Asylum Act 1999 but excluding sections 28A to 28K of the Immigration Act 1971 so far as they relate to offences under Part III of that Act);
  - (b) the British Nationality Act 1981;
  - (c) the British Nationality (Falkland Islands) Act 1983;
  - (d) the British Nationality (Hong Kong) Act 1990;
  - (e) the Hong Kong (War Wives and Widows) Act 1996;
  - (f) the British Nationality (Hong Kong) Act 1997; and
  - (g) the Special Immigration Appeals Commission Act 1997;
- and include any provision made under section 2(2) of the European Communities Act 1972, or any provision of Community law, which relates to the subject-matter of any of the enactments mentioned above.

#### **19E Monitoring of exception in relation to immigration and nationality cases**

- (1) The Secretary of State shall appoint a person who is not a member of his staff to act as a monitor.
- (2) Before appointing any such person, the Secretary of State shall consult the Commission.
- (3) The person so appointed shall monitor, in such manner as the Secretary of State may determine—
- (a) the likely effect on the operation of the exception in section 19D of any relevant authorisation relating to the carrying out of immigration and nationality functions which has been given by a Minister of the Crown acting personally; and
  - (b) the operation of that exception in relation to acts which have been done by a person acting in accordance with such an authorisation.
- (4) The monitor shall make an annual report on the discharge of his functions to the Secretary of State.
- (5) The Secretary of State shall lay a copy of any report made to him under subsection (4) before each House of Parliament.
- (6) The Secretary of State shall pay to the monitor such fees and allowances (if any) as he may determine.
- (7) In this section “immigration and nationality functions” and “relevant authorisation” have the meanings given to them in section 19D.

#### **19F Exceptions from section 19B for decisions not to prosecute etc**

Section 19B does not apply to—

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*Status: This is the original version (as it was originally enacted).*

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- (a) a decision not to institute criminal proceedings and, where such a decision has been made, any act done for the purpose of enabling the decision whether to institute criminal proceedings to be made;
- (b) where criminal proceedings are not continued as a result of a decision not to continue them, the decision and, where such a decision has been made—
  - (i) any act done for the purpose of enabling the decision whether to continue the proceedings to be made; and
  - (ii) any act done for the purpose of securing that the proceedings are not continued.”