

RACE RELATIONS (AMENDMENT) ACT 2000

EXPLANATORY NOTES

COMMENTARY

Section 4: Police: Extension of Liability of Chief Officers, Etc

45. **Section 4 inserts new sections 76A and 76B** into the 1976 Act. This provision makes a police authority liable for acts done by it to a constable. It also makes chief officers of police (a chief constable of a police force in Scotland) liable for the acts done by him to a constable and vicariously liable for acts of race discrimination by constables under his direction and control. It also provides for compensation, costs or expenses awarded as a result of a claim to be paid out of the police fund (in Scotland, payments by the police authority).
46. Section 32 of the 1976 Act makes employers liable for the acts of their employees. This allows an individual who has been discriminated against by another in the course of that other's employment to bring an action against the employer as well as against the discriminator. There is a defence for the employer, under section 32(3) of the 1976 Act, that he or she took reasonable steps to prevent the act of discrimination. This defence also now applies by virtue of the 2000 Act in respect of chief officers of police.