

2003 No. 3006

RACE RELATIONS

**The Race Relations Act 1976 (Statutory Duties)
Order 2003**

Made - - - - - *24th November 2003*
Laid before Parliament *26th November 2003*
Coming into force - - *31st December 2003*

The Secretary of State, in exercise of the powers conferred upon him by section 71(2) and (3) of the Race Relations Act 1976(a), after consultation with the National Assembly for Wales and with the consent of the Assembly(b), and after consultation with the Commission for Racial Equality(c), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Race Relations Act 1976 (Statutory Duties) Order 2003 and shall come into force on 31st December 2003.

(2) In this Order—

“the Assembly” means the National Assembly for Wales;

“the Race Relations Act” means the Race Relations Act 1976;

“staff” includes any person treated as an employee for the purposes of Part II of the Race Relations Act (discrimination in the employment field);

“the 2001 Order” means the Race Relations Act 1976 (Statutory Duties) Order 2001(d), and

references to “150 full-time staff” are references to such number of staff as would, if the hours they work were aggregated, amount to 150 staff working on a full-time basis.

Race equality schemes

2.—(1) A body or other person specified in Schedule 1 to this Order shall, before 31st May 2004, publish a Race Equality Scheme, that is a scheme showing how it intends to fulfil its duties under section 71(1) of the Race Relations Act and this Order.

(2) A Race Equality Scheme shall state, in particular—

(a) those of its functions and policies, or proposed policies, which that person has assessed as relevant to its performance of the duty imposed by section 71(1) of the Race Relations Act; and

(b) that person’s arrangements for—

(i) assessing and consulting on the likely impact of its proposed policies on the promotion of race equality;

(a) 1976 c. 74; section 71 was substituted by section 2 of the Race Relations (Amendment) Act 2000 (c. 34). The only previous order made under subsections (2) and (3) is the Race Relations Act 1976 (Statutory Duties) Order 2001 (S.I. 2001/3458).

(b) See section 71B(2) and (3) of the Race Relations Act 1976.

(c) See section 71(4) of the 1976 Act.

(d) S.I. 2001/3458.

- (ii) monitoring its policies for any adverse impact on the promotion of race equality;
- (iii) publishing the results of such assessments and consultation as are mentioned in sub-paragraph (i) and of such monitoring as is mentioned in sub-paragraph (ii);
- (iv) ensuring public access to information and services which it provides; and
- (v) training staff in connection with the duties imposed by section 71(1) of the Race Relations Act and this Order.

(3) Such a person shall, within a period of three years from 31st May 2004, and within each further period of three years, review the assessment referred to in paragraph (2)(a).

Education

3.—(1) The Assembly shall, before 31st May 2004, have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (2) and shall fulfil those duties in accordance with such arrangements.

(2) It shall be the duty of the Assembly to—

- (a) monitor, by reference to the racial groups to which they belong, the numbers of teaching staff from each such group at all maintained schools in respect of which it exercises its functions; and
- (b) take such steps as are reasonably practicable to use, for that purpose, data provided by Local Education Authorities.

(3) The Assembly shall take such steps as are reasonably practicable to publish annually the results of its monitoring under paragraph (2).

(4) In paragraph (2) the reference to “maintained schools” is a reference to such schools within the meaning given by section 20 (7) of the School Standards and Framework Act 1998(a).

Monitoring by employers

4.—(1) A person to which this article applies shall,

- (a) before 31st May 2004 have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (2); and
- (b) fulfil those duties in accordance with such arrangements.

(2) It shall be the duty of such a person to monitor, by reference to the racial groups to which they belong,

- (a) the numbers of—
 - (i) staff in post, and
 - (ii) applicants for employment, training and promotion, from each such group, and
- (b) where that person has 150 or more full-time staff, the numbers of staff from each such group who—
 - (i) receive training;
 - (ii) benefit or suffer detriment as a result of its performance assessment procedures;
 - (iii) are involved in grievance procedures;
 - (iv) are the subject of disciplinary procedures; or
 - (v) cease employment with that person.

(3) Such a person shall publish annually the results of its monitoring under paragraph (2).

(4) Subject to paragraph (5), this article applies to a body or other person specified in Part III of Schedule 1A to the Race Relations Act(b).

(5) This article does not apply to—

- (a) a person specified in Schedule 2 to this Order;
- (b) a Scottish public authority with mixed functions or no reserved functions, as referred to in section L.2 of Part II of Schedule 5 to the Scotland Act 1998(c); or

(a) 1998 c. 31.

(b) Schedule 1A is amended by the Race Relations Act 1976 (General Statutory Duty) Order 2001 (S.I. 2001/3457) and the Race Relations Act 1976 (General Statutory Duty) Order 2003 (S.I. 2003/3007).

(c) 1998 c. 46.

- (c) a cross-border public authority in relation to the exercise of its Scottish functions within the meaning given by that section.
- (6) In paragraph (5) the reference to a “cross-border public authority” is a reference to such an authority within the meaning given by section 88(5) of the Scotland Act 1998.

Amendment of 2001 Order

- 5. The 2001 Order is amended as follows—
 - (a) in Schedule 1 (bodies and other persons required to publish Race Equality Schemes),
 - (i) in the entry relating to a Passenger Transport Executive for a passenger transport area within the meaning of Part II of the Transport Act 1968, after the words “transport area”, insert “in England and Wales”, and
 - (ii) omit the entries relating to the following—
 - The Broadcasting Standards Commission;
 - The Independent Television Commission;
 - The Local Government Commission for England;
 - The Police Complaints Authority; and
 - The Radio Authority; and
 - (b) in Schedule 3 (bodies and other persons excepted by article 5(5)(b)),
 - (i) at the end of the entry relating to the Consumer Council for Postal Services insert “(“Postwatch””,
and
 - (ii) omit the entry relating to the Quality Assurance Agency for Higher Education.

Home Office
24th November 2003

Fiona Mactaggart
Parliamentary Under Secretary of State

SCHEDULE 1

BODIES AND OTHER PERSONS REQUIRED TO PUBLISH RACE EQUALITY SCHEMES BY 31ST MAY 2004

The Commission for Patient and Public Involvement in Health.
The Central Police Training and Development Authority (CENTREX).
The Electoral Commission.
The Director-General of the National Crime Squad.
The General Teaching Council for England.
The Security Industry Authority.
A Strategic Health Authority.

SCHEDULE 2

BODIES AND OTHER PERSONS EXCEPTED BY ARTICLE 4(5)(a)

The Council for the Regulation of Health Care Professionals.
The Criminal Injuries Compensation Authority.
The Financial Reporting Review Panel.
The Pensions Compensation Board.
A Port Police established under an order made under section 14 of the Harbour Act 1964.
A Port Police Force established under Part X of the Port of London Act 1968.
A Port Police Force established under section 79 of the Harbours, Docks and Piers Clauses Act 1847.
The Royal College of Veterinary Surgeons.
The Royal Commission on Environmental Pollution.
SITPRO Ltd.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order imposes certain duties on certain bodies and other persons who are subject to the general duty under section 71(1) of the Race Relations Act 1976, to have due regard, when exercising their functions, to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups. It also amends an earlier order.

The duties are imposed for the purpose of ensuring the better performance of the general duty. The Order imposes on a body or other person specified in Schedule 1 to the Order a duty to publish, by 31st May 2004, a Race Equality Scheme, that is a Scheme showing how it intends to fulfil the general duty and its duties under this Order. The Order imposes on the National Assembly for Wales a duty to have in place by 31st May 2004 arrangements for fulfilling duties to monitor, by reference to racial groups, various aspects of education and employment at educational establishments, and to fulfil those duties in accordance with such arrangements. The Order also requires bodies and other persons specified in Part III of Schedule 1A to the 1976 Act, other than those specified in article 4(5) of the Order, to have in place, by 31st May 2004, arrangements for fulfilling duties to monitor, by reference to racial groups, various aspects of employment by those bodies, and to fulfil those duties in accordance with such arrangements.

Article 5 of the Order amends an earlier order, the Race Relations Act 1976 (Statutory Duties) Order 2001 (S.I. 2001/3458), by omitting from the list of bodies or other persons which are required by that Order to publish Race Equality Schemes or which are excepted from the employment monitoring duty, the bodies specified in paragraph (a) or (b) of that article, as the case may be.

By virtue of section 5 of, and Schedule 1 to, the Interpretation Act 1978, references to a person in paragraphs (2) and (3) of article 2, and in paragraphs (1),(2), (3) and (5) of article 4, include references to a body.

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The Race Relations Act 1976 (Statutory Duties)
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£2.00

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E1606 1/2004 131606 19585

ISBN 0-11-048413-4



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