



Industry (Amendment) Act 1976

1976 CHAPTER 73

An Act to increase the limit imposed on the Secretary of State's financial assistance to industry under section 8 of the Industry Act 1972. [22nd November 1976]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Increase in
limit on
Secretary
of State's
financial
assistance to
industry.

1972 c. 63.

1. In section 8(7) of the Industry Act 1972 (Secretary of State's financial assistance to industry likely to benefit the economy limited to £150 million but with power to make four increases of up to £100 million each) for "£150 million" there shall be substituted "£600 million" and for "£100 million" there shall be substituted "£250 million":

Provided that the Secretary of State shall not use any of the money for the acquisition or assistance of banks or insurance companies.

Citation.

2. This Act may be cited as the Industry (Amendment) Act 1976.



Race Relations Act 1976

1976 CHAPTER 74

An Act to make fresh provision with respect to discrimination on racial grounds and relations between people of different racial groups; and to make in the Sex Discrimination Act 1975 amendments for bringing provisions in that Act relating to its administration and enforcement into conformity with the corresponding provisions in this Act. [22nd November 1976]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

DISCRIMINATION TO WHICH ACT APPLIES

1.—(1) A person discriminates against another in any circumstances relevant for the purposes of any provision of this Act if—

- (a) on racial grounds he treats that other less favourably than he treats or would treat other persons; or
- (b) he applies to that other a requirement or condition which he applies or would apply equally to persons not of the same racial group as that other but—

(i) which is such that the proportion of persons of the same racial group as that other who can comply with it is considerably smaller than the proportion of persons not of that racial group who can comply

(ii) which he cannot show to be justifiable irrespective of the colour race, nationality or ethnic or national origins of the person to whom it is applied; and

(iii) which is to the detriment of that other because he cannot comply with it.

(2) It is hereby declared that, for the purposes of this Act, segregating a person from other persons on racial grounds is treating him less favourably than they are treated.

Discrimination by way of victimisation.

2.—(1) A person ("the discriminator") discriminates against another person ("the person victimised") in any circumstances relevant for the purposes of any provision of this Act if he treats the person victimised less favourably than in those circumstances he treats or would treat other persons, and does so by reason that the person victimised has—

- (a) brought proceedings against the discriminator or any other person under this Act; or
- (b) given evidence or information in connection with proceedings brought by any person against the discriminator or any other person under this Act; or
- (c) otherwise done anything under or by reference to this Act in relation to the discriminator or any other person; or
- (d) alleged that the discriminator or any other person has committed an act which (whether or not the allegation so states) would amount to a contravention of this Act, or by reason that the discriminator knows that the person victimised intends to do any of those things, or suspects that the person victimised has done, or intends to do, any of them.

(2) Subsection (1) does not apply to treatment of a person by reason of any allegation made by him if the allegation was false and not made in good faith.

Meaning of
"racial
grounds"
"racial group"
etc.

3.—(1) In this Act, unless the context otherwise requires—
"racial grounds" means any of the following grounds, namely colour, race, nationality or ethnic or national origins;

"racial group" means a group of persons defined by reference to colour, race, nationality or ethnic or national origins, and references to a person's racial group refer to any racial group into which he falls.

(2) The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group for the purposes of this Act.

(3) In this Act—

- (a) references to discrimination refer to any discrimination falling within section 1 or 2; and
- (b) references to racial discrimination refer to any discrimination falling within section 1,

and related expressions shall be construed accordingly.

(4) A comparison of the case of a person of a particular racial group with that of a person not of that group under section 1(1) must be such that the relevant circumstances in the one case are the same, or not materially different, in the other.

PART II

DISCRIMINATION IN THE EMPLOYMENT FIELD

Discrimination by employers

4—(1) It is unlawful for a person, in relation to employment by him at an establishment in Great Britain, to discriminate against another—

Discrimination against applicants and employees.

- (a) in the arrangements he makes for the purpose of determining who should be offered that employment; or
- (b) in the terms on which he offers him that employment; or
- (c) by refusing or deliberately omitting to offer him that employment.

(2) It is unlawful for a person, in the case of a person employed by him at an establishment in Great Britain, to discriminate against that employee—

- (a) in the terms of employment which he affords him; or
- (b) in the way he affords him access to opportunities for promotion, transfer or training, or to any other benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or
- (c) by dismissing him, or subjecting him to any other detriment.

(3) Except in relation to discrimination falling within section 2, subsections (1) and (2) do not apply to employment for the purposes of a private household.

(4) Subsection (2) does not apply to benefits, facilities or services of any description if the employer is concerned with the provision (for payment or not) of benefits, facilities or services.

PART II of that description to the public, or to a section of the public comprising the employee in question, unless—

- (a) that provision differs in a material respect from the provision of the benefits, facilities or services by the employer to his employees ; or
- (b) the provision of the benefits, facilities or services to the employee in question is regulated by his contract of employment ; or
- (c) the benefits, facilities or services relate to training.

Exceptions
for genuine
occupational
qualifications.

5.—(1) In relation to racial discrimination—

- (a) section 4(1)(a) or (c) does not apply to any employment where being of a particular racial group is a genuine occupational qualification for the job ; and
- (b) section 4(2)(b) does not apply to opportunities for promotion or transfer to, or training for, such employment.

(2) Being of a particular racial group is a genuine occupational qualification for a job only where—

- (a) the job involves participation in a dramatic performance or other entertainment in a capacity for which a person of that racial group is required for reasons of authenticity ; or
- (b) the job involves participation as an artist's or photographic model in the production of a work of art, visual image or sequence of visual images for which a person of that racial group is required for reasons of authenticity ; or
- (c) the job involves working in a place where food or drink is (for payment or not) provided to and consumed by members of the public or a section of the public in a particular setting for which, in that job, a person of that racial group is required for reasons of authenticity ; or
- (d) the holder of the job provides persons of that racial group with personal services promoting their welfare, and those services can most effectively be provided by a person of that racial group.

(3) Subsection (2) applies where some only of the duties of the job fall within paragraph (a), (b) (c) or (d) as well as where all of them do.

(4) Paragraph (a), (b), (c) or (d) of subsection (2) does not apply in relation to the filling of a vacancy at a time when the employer already has employees of the racial group in question—

- (a) who are capable of carrying out the duties falling within that paragraph ; and

- (b) whom it would be reasonable to employ on those duties ;
and
- (c) whose numbers are sufficient to meet the employer's likely requirements in respect of those duties without undue inconvenience.

PART II

6. Nothing in section 4 shall render unlawful any act done by an employer for the benefit of a person not ordinarily resident in Great Britain in or in connection with employing him at an establishment in Great Britain, where the purpose of that employment is to provide him with training in skills which he appears to the employer to intend to exercise wholly outside Great Britain.

Exception for employment intended to provide training in skills to be exercised outside Great Britain.

7.—(1) This section applies to any work for a person ("the principal") which is available for doing by individuals ("contract workers") who are employed not by the principal himself but by another person, who supplies them under a contract made with the principal.

Discrimination against contract workers.

(2) It is unlawful for the principal, in relation to work to which this section applies, to discriminate against a contract worker—

- (a) in the terms on which he allows him to do that work ; or
- (b) by not allowing him to do it or continue to do it ; or
- (c) in the way he affords him access to any benefits, facilities or services or by refusing or deliberately omitting to afford him access to them ; or
- (d) by subjecting him to any other detriment.

(3) The principal does not contravene subsection (2)(b) by doing any act in relation to a person not of a particular racial group at a time when, if the work were to be done by a person taken into the principal's employment, being of that racial group would be a genuine occupational qualification for the job.

(4) Nothing in this section shall render unlawful any act done by the principal for the benefit of a contract worker not ordinarily resident in Great Britain in or in connection with allowing him to do work to which this section applies, where the purpose of his being allowed to do that work is to provide him with training in skills which he appears to the principal to intend to exercise wholly outside Great Britain.

(5) Subsection (2)(c) does not apply to benefits, facilities or services of any description if the principal is concerned with the provision (for payment or not) of benefits, facilities or services of that description to the public, or to a section of the

PART II

public to which the contract worker in question belongs, unless that provision differs in a material respect from the provision of the benefits, facilities or services by the principal to his contract workers.

Meaning of
employment at
establishment
in Great
Britain.

8.—(1) For the purposes of this Part ("the relevant purposes"), employment is to be regarded as being at an establishment in Great Britain unless the employee does his work wholly or mainly outside Great Britain.

(2) In relation to—

- (a) employment on board a ship registered at a port of registry in Great Britain ; or
- (b) employment on an aircraft or hovercraft registered in the United Kingdom and operated by a person who has his principal place of business, or is ordinarily resident, in Great Britain, other than an aircraft or hovercraft while so operated in pursuance of a contract with a person who has his principal place of business, or is ordinarily resident, outside the United Kingdom,

subsection (1) shall have effect as if the words "or mainly" were omitted.

(3) In the case of employment on board a ship registered at a port of registry in Great Britain (except where the employee does his work wholly outside Great Britain) the ship shall for the relevant purposes be deemed to be the establishment.

(4) Where work is not done at an establishment it shall be treated for the relevant purposes as done at the establishment from which it is done or (where it is not done from any establishment) at the establishment with which it has the closest connection.

(5) In relation to employment concerned with exploration of the sea bed or subsoil or the exploitation of their natural resources, Her Majesty may by Order in Council provide that subsections (1) to (3) shall have effect as if in both subsection (1) and subsection (3) the last reference to Great Britain included any area for the time being designated under section 1(7) of the Continental Shelf Act 1964, except an area or part of an area in which the law of Northern Ireland applies.

(6) An Order in Council under subsection (5) may provide that, in relation to employment to which the Order applies, this Part is to have effect with such modifications as are specified in the Order.

(7) An Order in Council under subsection (5) shall be of no effect unless a draft of the Order has been laid before and approved by resolution of each House of Parliament.

1964 c. 29.

9.—(1) Nothing in section 4 shall render unlawful any act done by an employer in or in connection with employment by him on any ship in the case of a person who applied or was engaged for that employment outside Great Britain.

PART II
Exception for
seamen
recruited
abroad.

(2) Nothing in section 7 shall, as regards work to which that section applies, render unlawful any act done by the principal in or in connection with such work on any ship in the case of a contract worker who was engaged outside Great Britain by the person by whom he is supplied.

(3) Subsections (1) and (2) do not apply to employment or work concerned with exploration of the sea bed or subsoil or the exploitation of their natural resources in any area for the time being designated under section 1(7) of the Continental Shelf Act 1964, not being an area or part of an area in which the law of Northern Ireland applies. 1964 c. 29.

(4) For the purposes of subsection (1) a person brought to Great Britain with a view to his entering into an agreement in Great Britain to be employed on any ship shall be treated as having applied for the employment outside Great Britain.

Discrimination by other bodies

10.—(1) It is unlawful for a firm consisting of six or more partners, in relation to a position as partner in the firm, to discriminate against a person—

- (a) in the arrangements they make for the purpose of determining who should be offered that position; or
- (b) in the terms on which they offer him that position; or
- (c) by refusing or deliberately omitting to offer him that position; or

(d) in a case where the person already holds that position—

(i) in the way they afford him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or

(ii) by expelling him from that position, or subjecting him to any other detriment.

(2) Subsection (1) shall apply in relation to persons proposing to form themselves into a partnership as it applies in relation to a firm.

(3) Subsection (1)(a) and (c) do not apply to a position as partner where, if it were employment, being of a particular racial group would be a genuine occupational qualification for the job.

(4) In the case of a limited partnership references in this section to a partner shall be construed as references to a general partner as defined in section 3 of the Limited Partnerships Act 1907.

Trade
unions etc.

11.—(1) This section applies to an organisation of workers, an organisation of employers, or any other organisation whose members carry on a particular profession or trade for the purposes of which the organisation exists.

(2) It is unlawful for an organisation to which this section applies, in the case of a person who is not a member of the organisation, to discriminate against him—

- (a) in the terms on which it is prepared to admit him to membership ; or
- (b) by refusing, or deliberately omitting to accept, his application for membership.

(3) It is unlawful for an organisation to which this section applies, in the case of a person who is a member of the organisation, to discriminate against him—

- (a) in the way it affords him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them ; or
- (b) by depriving him of membership, or varying the terms on which he is a member ; or
- (c) by subjecting him to any other detriment.

Qualifying
bodies.

12.—(1) It is unlawful for an authority or body which can confer an authorisation or qualification which is needed for, or facilitates, engagement in a particular profession or trade to discriminate against a person—

- (a) in the terms on which it is prepared to confer on him that authorisation or qualification ; or
- (b) by refusing, or deliberately omitting to grant, his application for it ; or
- (c) by withdrawing it from him or varying the terms on which he holds it.

(2) In this section—

- (a) “authorisation or qualification” includes recognition, registration, enrolment, approval and certification ;
- (b) “confer” includes renew or extend.

(3) Subsection (1) does not apply to discrimination which is rendered unlawful by section 17 or 18.

13.—(1) It is unlawful for a person to whom this subsection applies, in the case of an individual seeking or undergoing training which would help to fit him for any employment, to discriminate against him—

PART II
Vocational training
bodies.

- (a) in the terms on which that person affords him access to any training courses or other facilities ; or
- (b) by refusing or deliberately omitting to afford him such access ; or
- (c) by terminating his training.

(2) Subsection (1) applies to—

- (a) industrial training boards established under section 1 of the Industrial Training Act 1964 ;
- (b) the Manpower Services Commission, the Employment Service Agency, and the Training Services Agency ;
- (c) any association which comprises employers and has as its principal object, or one of its principal objects, affording their employees access to training facilities ;
- (d) any other person providing facilities for training for employment, being a person designated for the purposes of this paragraph in an order made by the Secretary of State.

1964 c. 16.

(3) Subsection (1) does not apply to discrimination which is rendered unlawful by section 17 or 18.

14.—(1) It is unlawful for an employment agency to discriminate against a person—

Employment agencies.

- (a) in the terms on which the agency offers to provide any of its services ; or
- (b) by refusing or deliberately omitting to provide any of its services ; or
- (c) in the way it provides any of its services.

(2) It is unlawful for a local education authority or an education authority to do any act in the performance of its functions under section 8 of the Employment and Training Act 1973 which constitutes discrimination.

1973 c. 50.

(3) References in subsection (1) to the services of an employment agency include guidance on careers and any other services related to employment.

(4) This section does not apply if the discrimination only concerns employment which the employer could lawfully refuse to offer the person in question.

(5) An employment agency or local education authority or an education authority shall not be subject to any liability under this section if it proves—

- (a) that it acted in reliance on a statement made to it by the employee to the effect that, by reason of the

PART II

operation of subsection (4), its action would not be unlawful; and

(b) that it was reasonable for it to rely on the statement.

(6) A person who knowingly or recklessly makes a statement such as is referred to in subsection (5)(a) which in a material respect is false or misleading commits an offence, and shall be liable on summary conviction to a fine not exceeding £400.

Manpower
Services
Commission
etc.

1973 c. 50.

15.—(1) It is unlawful for any of the following bodies to discriminate in the provision of facilities or services under section 2 of the Employment and Training Act 1973—

(a) the Manpower Services Commission;

(b) the Employment Service Agency;

(c) the Training Services Agency.

(2) This section does not apply in a case where—

(a) section 13 applies; or

(b) the body is acting as an employment agency.

Police

Police.

16.—(1) For the purposes of this Part, the holding of the office of constable shall be treated as employment—

(a) by the chief officer of police as respects any act done by him in relation to a constable or that office;

(b) by the police authority as respects any act done by them in relation to a constable or that office.

(2) There shall be paid out of the police fund—

(a) any compensation, costs or expenses awarded against a chief officer of police in any proceedings brought against him under this Act, and any costs or expenses incurred by him in any such proceedings so far as not recovered by him in the proceedings; and

(b) any sum required by a chief officer of police for the settlement of any claim made against him under this Act if the settlement is approved by the police authority.

(3) Any proceedings under this Act which, by virtue of subsection (1), would lie against a chief officer of police shall be brought against the chief officer of police for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of that office; and references in subsection (2) to the chief officer of police shall be construed accordingly.

(4) Subsection (1) applies to a police cadet and appointment of a police cadet as it applies to a constable in the office of constable.

(5) In this section—

“chief officer of police”—

(a) in relation to a person appointed, or an appointment falling to be made, under a specified Act, has the same meaning as in the Police Act,

(b) in relation to any other person or appointment, means the officer who has the direction and control of the body of constables or cadets in question;

“the Police Act” means, for England and Wales, the Police Act 1964 or, for Scotland, the Police (Scotland) Act 1967;

“police authority”—

(a) in relation to a person appointed, or an appointment falling to be made, under a specified Act, has the same meaning as in the Police Act,

(b) in relation to any other person or appointment, means the authority by whom the person in question is or on appointment would be paid;

“police cadet” means any person appointed to undergo training with a view to becoming a constable;

“police fund” in relation to a chief officer of police within paragraph (a) of the above definition of that term has the same meaning as in the Police Act, and in any other case means money provided by the police authority;

“specified Act” means the Metropolitan Police Act 1829, the City of London Police Act 1839 or the Police Act 1839.

PART III

DISCRIMINATION IN OTHER FIELDS

Education

17. It is unlawful, in relation to an educational establishment falling within column 1 of the following table, for a person indicated in relation to the establishment in column 2 (the “responsible body”) to discriminate against a person—

Discrimination by bodies in charge of educational establishments.

(a) in the terms on which it offers to admit him to the establishment as a pupil; or

(b) by refusing or deliberately omitting to accept an application for his admission to the establishment as a pupil; or

(c) where he is a pupil of the establishment—

(i) in the way it affords him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or

(ii) by excluding him from the establishment or subjecting him to any other detriment.

Parliamentary Vir DOE BLACK & ETHNIC ARTS ARCHIVE
GLC
1981-1986

ENGLAND AND WALES

*Establishment**Responsible body*

1. Educational establishment maintained by a local education authority.

Local education authority or managers or governors, according to which of them has the function in question.

2. Independent school not being a special school.

Proprietor.

3. Special school not maintained by a local education authority.

Proprietor.

4. University.

Governing body.

5. Establishment (not falling within paragraphs 1 to 4) providing full-time or part-time education, being an establishment designated under section 24(1) of the Sex Discrimination Act 1975 for the purposes of paragraph 5 of the corresponding table in section 22 of that Act.

Governing body.

1975 c. 65.

SCOTLAND

6. Educational establishment managed by an education authority.

Education authority.

7. Educational establishment in respect of which the managers are for the time being receiving grants under section 75(c) or (d) of the Education (Scotland) Act 1962.

Managers of the educational establishment.

1962 c. 47.

8. University.

Governing body.

9. Independent school.

Proprietor.

10. Any other educational establishment (not falling within paragraphs 6, 7 and 9) providing full or part-time school education or further education.

Managers of the educational establishment.

18.—(1) It is unlawful for a local education authority, in carrying out such of its functions under the Education Acts 1944 to 1975 as do not fall under section 17, to do any act which constitutes racial discrimination.

PART III
Other
discrimination
by local
education
authorities.

(2) It is unlawful for an education authority, in carrying out such of its functions under the Education (Scotland) Acts 1939 to 1974 as do not fall under section 17, to do any act which constitutes racial discrimination.

19.—(1) Without prejudice to its obligation to comply with any other provision of this Act, a body to which this subsection applies shall be under a general duty to secure that facilities for education provided by it, and any ancillary benefits or services, are provided without racial discrimination.

General duty
in public
sector of
education.

(2) The following provisions of the Education Act 1944, 1944 c. 31. namely—

(a) section 68 (power of Secretary of State to require duties under that Act to be exercised reasonably); and

(b) section 99 (powers of Secretary of State where local education authorities etc. are in default),

shall apply to the performance by a body to which subsection (1) applies of the duties imposed by sections 17 and 18, and shall also apply to the performance of the general duty imposed by subsection (1), as they apply to the performance by a local education authority of a duty imposed by that Act.

(3) Section 71 of the Education (Scotland) Act 1962 (power of the Secretary of State to require duties in that Act to be exercised) shall apply to the performance by a body to which subsection (1) applies of the duties imposed by sections 17 and 18, and shall also apply to the performance of the general duty imposed by subsection (1), as the said section 71 applies to the performance by an education authority of a duty imposed by that Act. 1962 c. 47

(4) The sanctions in subsections (2) and (3) shall be the only sanctions for breach of the general duty in subsection (1), but without prejudice to the enforcement of sections 17 and 18 under section 57 or otherwise (where the breach is also a contravention of either of those sections).

(5) The Secretary of State shall have the power to cause a local inquiry to be held under section 68 of the Education (Scotland) Act 1962 into any matter arising from subsection (3).

(6) Subsection (1) applies to—

(a) local education authorities in England and Wales;

(b) education authorities in Scotland;

(c) any other body which is a responsible body in relation to—

(i) an establishment falling within paragraph 1, 3 or 7 of the table in section 17 ;

1975 c. 65.

(ii) an establishment designated under section 24(1) of the Sex Discrimination Act 1975 as falling within paragraph (a) or (c) of section 24(2) of that Act ;

1944 c. 31.

(iii) an establishment designated under the said section 24(1) as falling within paragraph (b) of the said section 24(2) where the grants in question are payable under section 100 of the Education Act 1944.

Goods, facilities, services and premises

Discrimination in provision of goods, facilities or services.

20.—(1) It is unlawful for any person concerned with the provision (for payment or not) of goods, facilities or services to the public or a section of the public to discriminate against a person who seeks to obtain or use those goods, facilities or services—

- (a) by refusing or deliberately omitting to provide him with any of them ; or
- (b) by refusing or deliberately omitting to provide him with goods, facilities or services of the like quality, in the like manner and on the like terms as are normal in the first-mentioned person's case in relation to other members of the public or (where the person so seeking belongs to a section of the public) to other members of that section.

(2) The following are examples of the facilities and services mentioned in subsection (1)—

- (a) access to and use of any place which members of the public are permitted to enter ;
- (b) accommodation in a hotel, boarding house or other similar establishment ;
- (c) facilities by way of banking or insurance or for grants, loans, credit or finance ;
- (d) facilities for education ;
- (e) facilities for entertainment, recreation or refreshment ;
- (f) facilities for transport or travel ;
- (g) the services of any profession or trade, or any local or other public authority.

21.—(1) It is unlawful for a person, in relation to premises in Great Britain of which he has power to dispose, to discriminate against another—

PART III
Discrimination in disposal or management of premises.

(a) in the terms on which he offers him those premises ; or

(b) by refusing his application for those premises ; or

(c) in his treatment of him in relation to any list of persons in need of premises of that description.

(2) It is unlawful for a person, in relation to premises managed by him, to discriminate against a person occupying the premises—

(a) in the way he affords him access to any benefits or facilities, or by refusing or deliberately omitting to afford him access to them ; or

(b) by evicting him, or subjecting him to any other detriment.

(3) Subsection (1) does not apply to a person who owns an estate or interest in the premises and wholly occupies them unless he uses the services of an estate agent for the purposes of the disposal of the premises, or publishes or causes to be published an advertisement in connection with the disposal.

22.—(1) Sections 20(1) and 21 do not apply to the provision by a person of accommodation in any premises, or the disposal of premises by him, if—

Exception from ss. 20(1) and 21: small dwellings.

(a) that person or a near relative of his ("the relevant occupier") resides, and intends to continue to reside, on the premises ; and

(b) there is on the premises, in addition to the accommodation occupied by the relevant occupier, accommodation (not being storage accommodation or means of access) shared by the relevant occupier with other persons residing on the premises who are not members of his household ; and

(c) the premises are small premises.

(2) Premises shall be treated for the purposes of this section as small premises if—

(a) in the case of premises comprising residential accommodation for one or more households (under separate letting or similar agreements) in addition to the accommodation occupied by the relevant occupier, there is not normally residential accommodation for more than two such households and only the relevant occupier and any member of his household reside in the accommodation occupied by him ;

- (b) in the case of premises not falling within paragraph (a), there is not normally residential accommodation on the premises for more than six persons in addition to the relevant occupier and any members of his household.

Further exceptions from ss. 20(1) and 21.

23.—(1) Sections 20(1) and 21 do not apply—

- (a) to discrimination which is rendered unlawful by any provision of Part II or section 17 or 18 ; or
- (b) to discrimination which would be rendered unlawful by any provision of Part II but for any of the following provisions, namely sections 4(3), 5(1)(b), 6, 7(4), 9 and 14(4).

(2) Section 20(1) does not apply to anything done by a person as a participant in arrangements under which he (for reward or not) takes into his home, and treats as if they were members of his family, children, elderly persons, or persons requiring a special degree of care and attention.

Discrimination: consent for assignment or sub-letting.

24.—(1) Where the licence or consent of the landlord or of any other person is required for the disposal to any person of premises in Great Britain comprised in a tenancy, it is unlawful for the landlord or other person to discriminate against a person by withholding the licence or consent for disposal of the premises to him.

(2) Subsection (1) does not apply if—

- (a) the person withholding a licence or consent, or a near relative of his (“the relevant occupier”) resides, and intends to continue to reside, on the premises ; and
- (b) there is on the premises, in addition to the accommodation occupied by the relevant occupier, accommodation (not being storage accommodation or means of access) shared by the relevant occupier with other persons residing on the premises who are not members of his household ; and
- (c) the premises are small premises.

(3) Section 22(2) (meaning of “small premises”) shall apply for the purposes of this as well as of that section.

(4) In this section “tenancy” means a tenancy created by a lease or sub-lease, by an agreement for a lease or sub-lease or by a tenancy agreement or in pursuance of any enactment ; and “disposal”, in relation to premises comprised in a tenancy, includes assignment or assignation of the tenancy and sub-letting or parting with possession of the premises or any part of the premises.

(5) This section applies to tenancies created before the passing of this Act, as well as to others.

25.—(1) This section applies to any association of persons PART III
(however described, whether corporate or unincorporate, and Discrimination:
whether or not its activities are carried on for profit) if— associations
not within
s. 11.

- (a) it has twenty-five or more members ; and
- (b) admission to membership is regulated by its constitution and is so conducted that the members do not constitute a section of the public within the meaning of section 20(1) ; and
- (c) it is not an organisation to which section 11 applies.

(2) It is unlawful for an association to which this section applies, in the case of a person who is not a member of the association, to discriminate against him—

- (a) in the terms on which it is prepared to admit him to membership ; or
- (b) by refusing or deliberately omitting to accept his application for membership.

(3) It is unlawful for an association to which this section applies, in the case of a person who is a member or associate of the association, to discriminate against him—

- (a) in the way it affords him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them ; or
- (b) in the case of a member, by depriving him of membership, or varying the terms on which he is a member ; or
- (c) in the case of an associate, by depriving him of his rights as an associate, or varying those rights ; or
- (d) in either case, by subjecting him to any other detriment.

(4) For the purposes of this section—

- (a) a person is a member of an association if he belongs to it by virtue of his admission to any sort of membership provided for by its constitution (and is not merely a person with certain rights under its constitution by virtue of his membership of some other association), and references to membership of an association shall be construed accordingly ;
- (b) a person is an associate of an association to which this section applies if, not being a member of it, he has under its constitution some or all of the rights enjoyed by members (or would have apart from any provision in its constitution authorising the refusal of those rights in particular cases).

Exception
from s. 25
for certain
associations.

26.—(1) An association to which section 25 applies is within this subsection if the main object of the association is to enable the benefits of membership (whatever they may be) to be enjoyed by persons of a particular racial group defined otherwise than by reference to colour; and in determining whether that is the main object of an association regard shall be had to the essential character of the association and to all relevant circumstances including, in particular, the extent to which the affairs of the association are so conducted that the persons primarily enjoying the benefits of membership are of the racial group in question.

(2) In the case of an association within subsection (1), nothing in section 25 shall render unlawful any act not involving discrimination on the ground of colour.

Extent

Extent of
Part III.

27.—(1) Sections 17 to 19 do not apply to benefits, facilities or services outside Great Britain except—

- (a) travel in a ship registered at a port of registry in Great Britain; and
- (b) benefits, facilities or services provided on a ship so registered.

(2) Section 20(1)—

- (a) does not apply to goods, facilities or services outside Great Britain except as provided in subsections (3) and (4); and
- (b) does not apply to facilities by way of banking or insurance or for grants, loans, credit or finance, where the facilities are for a purpose to be carried out, or in connection with risks wholly or mainly arising, outside Great Britain.

(3) Section 20(1) applies to the provision of facilities for travel outside Great Britain where the refusal or omission occurs in Great Britain or on a ship, aircraft or hovercraft within subsection (4).

(4) Section 20(1) applies on and in relation to—

- (a) any ship registered at a port of registry in Great Britain; and
- (b) any aircraft or hovercraft registered in the United Kingdom and operated by a person who has his principal place of business, or is ordinarily resident, in Great Britain,

even if the ship, aircraft or hovercraft is outside Great Britain.

(5) This section shall not render unlawful an act done over a country outside the United Kingdom, or in or over this country's territorial waters, for the purpose of complying with the laws of that country.

PART IV

OTHER UNLAWFUL ACTS

28.—(1) In this section “discriminatory practice” means the application of a requirement or condition which results in an act of discrimination which is unlawful by virtue of any provision of Part II or III taken with section 1(1)(b), or which would be likely to result in such an act of discrimination if the persons to whom it is applied included persons of any particular racial group as regards which there has been no occasion for applying it. Discriminatory practices.

(2) A person acts in contravention of this section if and so long as—

(a) he applies a discriminatory practice ; or

(b) he operates practices or other arrangements which in any circumstances would call for the application by him of a discriminatory practice.

(3) Proceedings in respect of a contravention of this section shall be brought only by the Commission in accordance with sections 58 to 62.

29.—(1) It is unlawful to publish or to cause to be published an advertisement which indicates, or might reasonably be understood as indicating, an intention by a person to do an act of discrimination, whether the doing of that act by him would be lawful or, by virtue of Part II or III, unlawful. Discriminatory advertisements.

(2) Subsection (1) does not apply to an advertisement—

(a) if the intended act would be lawful by virtue of any of sections 5, 6, 7(3) and (4), 10(3), 26, 34(2)(b), 35 to 39 and 41 ; or

(b) if the advertisement relates to the services of an employment agency (within the meaning of section 14(1)) and the intended act only concerns employment which the employer could by virtue of section 5, 6 or 7(3) or (4) lawfully refuse to offer to persons against whom the advertisement indicates an intention to discriminate.

(3) Subsection (1) does not apply to an advertisement which indicates that persons of any class defined otherwise than by reference to colour, race or ethnic or national origins are required for employment outside Great Britain.

(4) The publisher of an advertisement made unlawful by subsection (1) shall not be subject to any liability under that subsection in respect of the publication of the advertisement if he proves—

(a) that the advertisement was published in reliance on a statement made to him by the person who caused it

GLC
1981-1986

Working for London
archive.parvindervir.com

PART IV

to be published to the effect that, by reason of the operation of subsection (2) or (3), the publication would not be unlawful; and

(b) that it was reasonable for him to rely on the statement.

(5) A person who knowingly or recklessly makes a statement such as is mentioned in subsection (4)(a) which in a material respect is false or misleading commits an offence, and shall be liable on summary conviction to a fine not exceeding £400.

Instructions to discriminate.

30. It is unlawful for a person—

(a) who has authority over another person; or

(b) in accordance with whose wishes that other person is accustomed to act,

to instruct him to do any act which is unlawful by virtue of Part II or III, or procure or attempt to procure the doing by him of any such act.

Pressure to discriminate.

31.—(1) It is unlawful to induce, or attempt to induce, a person to do any act which contravenes Part II or III.

(2) An attempted inducement is not prevented from falling within subsection (1) because it is not made directly to the person in question, if it is made in such a way that he is likely to hear of it.

Liability of employers and principals.

32.—(1) Anything done by a person in the course of his employment shall be treated for the purposes of this Act (except as regards offences thereunder) as done by his employer as well as by him, whether or not it was done with the employer's knowledge or approval.

(2) Anything done by a person as agent for another person with the authority (whether express or implied, and whether precedent or subsequent) of that other person shall be treated for the purposes of this Act (except as regards offences thereunder) as done by that other person as well as by him.

(3) In proceedings brought under this Act against any person in respect of an act alleged to have been done by an employee of his it shall be a defence for that person to prove that he took such steps as were reasonably practicable to prevent the employee from doing that act, or from doing in the course of his employment acts of that description.

Aiding unlawful acts.

33.—(1) A person who knowingly aids another person to do an act made unlawful by this Act shall be treated for the purposes of this Act as himself doing an unlawful act of the same description.

(2) For the purposes of subsection (1) an employee or agent for whose act the employer or principal is liable under section 32 (or would be so liable but for section 32(3)) shall be deemed to aid the doing of the act by the employer or principal.

(3) A person does not under this section knowingly aid another to do an unlawful act if—

(a) he acts in reliance on a statement made to him by that other person that, by reason of any provision of this Act, the act which he aids would not be unlawful; and

(b) it is reasonable for him to rely on the statement.

(4) A person who knowingly or recklessly makes a statement such as is mentioned in subsection (3)(a) which in a material respect is false or misleading commits an offence, and shall be liable on summary conviction to a fine not exceeding £400.

PART V

CHARITIES

34.—(1) A provision which is contained in a charitable instrument (whenever that instrument took or takes effect) and which provides for conferring benefits on persons of a class defined by reference to colour shall have effect for all purposes as if it provided for conferring the like benefits—

(a) on persons of the class which results if the restriction by reference to colour is disregarded; or

(b) where the original class is defined by reference to colour only, on persons generally;

but nothing in this subsection shall be taken to alter the effect of any provision as regards any time before the coming into operation of this subsection.

(2) Nothing in Parts II to IV shall—

(a) be construed as affecting a provision to which this subsection applies; or

(b) render unlawful an act which is done in order to give effect to such a provision.

(3) Subsection (2) applies to any provision which is contained in a charitable instrument (whenever that instrument took or takes effect) and which provides for conferring benefits on persons of a class defined otherwise than by reference to colour (including a class resulting from the operation of subsection (1)).

(4) In this section “charitable instrument” means an enactment or other instrument passed or made for charitable purposes, or an enactment or other instrument so far as it relates

PART VI

(3) Nothing in section 11 shall render unlawful any act done by an organisation to which that section applies in or in connection with—

- (a) affording only members of the organisation who are of a particular racial group access to facilities for training which would help to fit them for holding a post of any kind in the organisation; or
- (b) encouraging only members of the organisation who are of a particular racial group to take advantage of opportunities for holding such posts in the organisation, where either of the conditions in subsection (4) was satisfied at any time within the twelve months immediately preceding the doing of the act.

(4) Those conditions are—

- (a) that there are no persons of the racial group in question among persons holding such posts in that organisation; or
- (b) that the proportion of persons of that group among those holding such posts in that organisation is small in comparison with the proportion of persons of that group among the members of the organisation.

(5) Nothing in Parts II to IV shall render unlawful any act done by an organisation to which section 11 applies in or in connection with encouraging only persons of a particular racial group to become members of the organisation where at any time within the twelve months immediately preceding the doing of the act—

- (a) no persons of that group were members of the organisation; or
- (b) the proportion of persons of that group among members of the organisation was small in comparison with the proportion of persons of that group among those eligible for membership of the organisation.

(6) Section 8 (meaning of employment at establishment in Great Britain) shall apply for the purposes of this section as if this section were contained in Part II.

Sports and competitions.

39. Nothing in Parts II to IV shall render unlawful any act whereby a person discriminates against another on the basis of that other's nationality or place of birth or the length of time for which he has been resident in a particular area or place, if the act is done—

- (a) in selecting one or more persons to represent a country, place or area, or any related association, in any sport or game; or
- (b) in pursuance of the rules of any competition so far as they relate to eligibility to compete in any sport or game.

40.—(1) References in this Act to the affording by any person of access to benefits, facilities or services are not limited to benefits, facilities or services provided by that person himself, but include any means by which it is in that person's power to facilitate access to benefits, facilities or services provided by any other person (the "actual provider").

PART VI

Indirect access to benefits etc.

(2) Where by any provision of this Act the affording by any person of access to benefits, facilities or services in a discriminatory way is in certain circumstances prevented from being unlawful, the effect of the provision shall extend also to the liability under this Act of any actual provider.

41.—(1) Nothing in Parts II to IV shall render unlawful any act of discrimination done—

Acts done under statutory authority etc.

- (a) in pursuance of any enactment or Order in Council ; or
- (b) in pursuance of any instrument made under any enactment by a Minister of the Crown ; or
- (c) in order to comply with any condition or requirement imposed by a Minister of the Crown (whether before or after the passing of this Act) by virtue of any enactment.

References in this subsection to an enactment, Order in Council or instrument include an enactment, Order in Council or instrument passed or made after the passing of this Act.

(2) Nothing in Parts II to IV shall render unlawful any act whereby a person discriminates against another on the basis of that other's nationality or place of ordinary residence or the length of time for which he has been present or resident in or outside the United Kingdom or an area within the United Kingdom, if that act is done—

- (a) in pursuance of any arrangements made (whether before or after the passing of this Act) by or with the approval of, or for the time being approved by, a Minister of the Crown ; or
- (b) in order to comply with any condition imposed (whether before or after the passing of this Act) by a Minister of the Crown.

42. Nothing in Parts II to IV shall render unlawful an act done for the purpose of safeguarding national security.

PART VII

THE COMMISSION FOR RACIAL EQUALITY

General

Establishment
and duties of
Commission.

43.—(1) There shall be a body of Commissioners named the Commission for Racial Equality consisting of at least eight but not more than fifteen individuals each appointed by the Secretary of State on a full-time or part-time basis, which shall have the following duties—

- (a) to work towards the elimination of discrimination;
- (b) to promote equality of opportunity, and good relations, between persons of different racial groups generally;

and

- (c) to keep under review the working of this Act and, when they are so required by the Secretary of State or otherwise think it necessary, draw up and submit to the Secretary of State proposals for amending it.

(2) The Secretary of State shall appoint—

- (a) one of the Commissioners to be chairman of the Commission; and
- (b) either one or more of the Commissioners (as the Secretary of State thinks fit) to be deputy chairman or deputy chairmen of the Commission.

(3) The Secretary of State may by order amend subsection (1) so far as it regulates the number of Commissioners.

(4) Schedule 1 shall have effect with respect to the Commission.

(5) The Race Relations Board and the Community Relations Commission are hereby abolished.

Assistance to
organisations.

44.—(1) The Commission may give financial or other assistance to any organisation appearing to the Commission to be concerned with the promotion of equality of opportunity, and good relations, between persons of different racial groups, but shall not give any such financial assistance out of money provided (through the Secretary of State) by Parliament except with the approval of the Secretary of State given with the consent of the Treasury.

(2) Except in so far as other arrangements for their discharge are made and approved under paragraph 13 of Schedule 1—

- (a) the Commission's functions under subsection (1); and
- (b) other functions of the Commission in relation to matters connected with the giving of such financial or other assistance as is mentioned in that subsection.

shall be discharged under the general direction of the Commission by a committee of the Commission consisting of at least

three but not more than five Commissioners, of whom one shall be the deputy chairman or one of the deputy chairmen of the Commission.

PART VII

45.—(1) The Commission may undertake or assist (financially or otherwise) the undertaking by other persons of any research, and any educational activities, which appear to the Commission necessary or expedient for the purposes of section 43(1). Research and education.

(2) The Commission may make charges for educational or other facilities or services made available by them.

46.—(1) As soon as practicable after the end of each calendar year the Commission shall make to the Secretary of State a report on their activities during the year (an "annual report"). Annual reports.

(2) Each annual report shall include a general survey of developments, during the period to which it relates, in respect of matters falling within the scope of the Commission's functions.

(3) The Secretary of State shall lay a copy of every annual report before each House of Parliament, and shall cause the report to be published.

Codes of practice

47.—(1) The Commission may issue codes of practice containing such practical guidance as the Commission think fit for either or both of the following purposes, namely— Codes of practice.

- (a) the elimination of discrimination in the field of employment;
- (b) the promotion of equality of opportunity in that field between persons of different racial groups.

(2) When the Commission propose to issue a code of practice, they shall prepare and publish a draft of that code, shall consider any representations made to them about the draft and may modify the draft accordingly.

(3) In the course of preparing any draft code of practice for eventual publication under subsection (2) the Commission shall consult with—

- (a) such organisations or associations of organisations representative of employers or of workers; and
- (b) such other organisations, or bodies,

as appear to the Commission to be appropriate.

(4) If the Commission determine to proceed with the draft, they shall transmit the draft to the Secretary of State who shall—

- (a) if he approves of it, lay it before both Houses of Parliament

(b) if he does not approve of it, publish details of his reasons for withholding approval.

(5) If, within the period of forty days beginning with the day on which a copy of a draft code of practice is laid before each House of Parliament, or, if such copies are laid on different days, with the later of the two days, either House so resolves, no further proceedings shall be taken thereon, but without prejudice to the laying before Parliament of a new draft.

(6) In reckoning the period of forty days referred to in subsection (5), no account shall be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(7) If no such resolution is passed as is referred to in subsection (5), the Commission shall issue the code in the form of the draft and the code shall come into effect on such day as the Secretary of State may by order appoint.

(8) Without prejudice to section 74(3), an order under subsection (7) may contain such transitional provisions or savings as appear to the Secretary of State to be necessary or expedient in connection with the code of practice thereby brought into operation.

(9) The Commission may from time to time revise the whole or any part of a code of practice issued under this section and issue that revised code, and subsections (2) to (8) shall apply (with appropriate modifications) to such a revised code as they apply to the first issue of a code.

(10) A failure on the part of any person to observe any provision of a code of practice shall not of itself render him liable to any proceedings; but in any proceedings under this Act before an industrial tribunal any code of practice issued under this section shall be admissible in evidence, and if any provision of such a code appears to the tribunal to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.

(11) Without prejudice to subsection (1), a code of practice issued under this section may include such practical guidance as the Commission think fit as to what steps it is reasonably practicable for employers to take for the purpose of preventing their employees from doing in the course of their employment acts made unlawful by this Act.

Investigations

Power to
conduct
formal
investigations.

48.—(1) Without prejudice to their general power to do anything requisite for the performance of their duties under section 43(1), the Commission may if they think fit, and shall

if required by the Secretary of State, conduct a formal investigation for any purpose connected with the carrying out of those duties.

(2) The Commission may, with the approval of the Secretary of State, appoint, on a full-time or part-time basis, one or more individuals as additional Commissioners for the purposes of a formal investigation.

(3) The Commission may nominate one or more Commissioners, with or without one or more additional Commissioners, to conduct a formal investigation on their behalf, and may delegate any of their functions in relation to the investigation to the persons so nominated.

49.—(1) The Commission shall not embark on a formal investigation unless the requirements of this section have been complied with. Terms of reference.

(2) Terms of reference for the investigation shall be drawn up by the Commission or, if the Commission were required by the Secretary of State to conduct the investigation, by the Secretary of State after consulting the Commission.

(3) It shall be the duty of the Commission to give general notice of the holding of the investigation unless the terms of reference confine it to activities of persons named in them, but in such a case the Commission shall in the prescribed manner give those persons notice of the holding of the investigation.

(4) Where the terms of reference of the investigation confine it to activities of persons named in them and the Commission in the course of it propose to investigate any act made unlawful by this Act which they believe that a person so named may have done, the Commission shall—

(a) inform that person of their belief and of their proposal to investigate the act in question; and

(b) offer him an opportunity of making oral or written representations with regard to it (or both oral and written representations if he thinks fit);

and a person so named who avails himself of an opportunity under this subsection of making oral representations may be represented—

(i) by counsel or a solicitor; or

(ii) by some other person of his choice, not being a person to whom the Commission object on the ground that he is unsuitable.

(5) The Commission or, if the Commission were required by the Secretary of State to conduct the investigation, the

Secretary of State after consulting the Commission may from time to time revise the terms of reference; and subsections (1), (3) and (4) shall apply to the revised investigation and terms of reference as they applied to the original.

Power
to obtain
information.

50.—(1) For the purposes of a formal investigation the Commission, by a notice in the prescribed form served on him in the prescribed manner—

- (a) may require any person to furnish such written information as may be described in the notice, and may specify the time at which, and the manner and form in which, the information is to be furnished;
- (b) may require any person to attend at such time and place as is specified in the notice and give oral information about, and produce all documents in his possession or control relating to, any matter specified in the notice.

(2) Except as provided by section 60, a notice shall be served under subsection (1) only where—

- (a) service of the notice was authorised by an order made by the Secretary of State; or
- (b) the terms of reference of the investigation state that the Commission believe that a person named in them may have done or may be doing acts of all or any of the following descriptions—
 - (i) unlawful discriminatory acts;
 - (ii) contraventions of section 28; and
 - (iii) contraventions of sections 29, 30 or 31,
 and confine the investigation to those acts.

(3) A notice under subsection (1) shall not require a person—

- (a) to give information, or produce any documents, which he could not be compelled to give in evidence, or produce, in civil proceedings before the High Court or the Court of Session; or
- (b) to attend at any place unless the necessary expenses of his journey to and from that place are paid or tendered to him.

(4) If a person fails to comply with a notice served on him under subsection (1) or the Commission have reasonable cause to believe that he intends not to comply with it, the Commission may apply to a county court or, in Scotland, a sheriff court for an order requiring him to comply with it or with such directions for the like purpose as may be contained in the order.

BLACK & ETHNIC
GLC
1981-1986
Working for London
archive.parmindervir.com

Section 84 of the County Courts Act 1959 (penalty for neglecting witness summons) shall apply to failure without reasonable excuse to comply with an order of a county court under subsection (4) as it applies in the cases provided in the said section 84; and paragraph 73 of Schedule 1 to the Sheriff Courts (Scotland) Act 1907 (power of sheriff to grant second diligence for compelling the attendance of witnesses or havers) shall apply to an order of a sheriff court under subsection (4) as it applies in proceedings in the sheriff court. PART VII
1959 c. 22.
1907 c. 51.

(6) A person commits an offence if he—

(a) wilfully alters, suppresses, conceals or destroys a document which he has been required by a notice or order under this section to produce; or

(b) in complying with such a notice or order, knowingly or recklessly makes any statement which is false in a material particular,

and shall be liable on summary conviction to a fine not exceeding £400.

(7) Proceedings for an offence under subsection (6) may without prejudice to any jurisdiction exercisable apart from this subsection be instituted—

(a) against any person at any place at which he has an office or other place of business;

(b) against an individual at any place where he resides, or at which he is for the time being.

51.—(1) If in the light of any of their findings in a formal investigation it appears to the Commission necessary or expedient, whether during the course of the investigation or after its conclusion— Recom-
mendations
and reports
on formal
investigations.

(a) to make to any person, with a view to promoting equality of opportunity between persons of different racial groups who are affected by any of his activities, recommendations for changes in his policies or procedures, or as to any other matters; or

(b) to make to the Secretary of State any recommendations, whether for changes in the law or otherwise,

the Commission shall make those recommendations accordingly.

(2) The Commission shall prepare a report of their findings in any formal investigation conducted by them.

PART VII

(3) If the formal investigation is one required by the Secretary of State—

(a) the Commission shall deliver the report to the Secretary of State; and

(b) the Secretary of State shall cause the report to be published,

and, unless required by the Secretary of State, the Commission shall not publish the report.

(4) If the formal investigation is not one required by the Secretary of State, the Commission shall either publish the report, or make it available for inspection in accordance with subsection (5).

(5) Where under subsection (4) a report is to be made available for inspection, any person shall be entitled, on payment of such fee (if any) as may be determined by the Commission—

(a) to inspect the report during ordinary office hours and take copies of all or any part of the report; or

(b) to obtain from the Commission a copy, certified by the Commission to be correct, of the report.

(6) The Commission may, if they think fit, determine that the right conferred by subsection (5)(a) shall be exercisable in relation to a copy of the report instead of, or in addition to, the original.

(7) The Commission shall give general notice of the place or places where, and the times when, reports may be inspected under subsection (5).

Restriction on disclosure of information.

52.—(1) No information given to the Commission by any person ("the informant") in connection with a formal investigation shall be disclosed by the Commission, or by any person who is or has been a Commissioner, additional Commissioner or employee of the Commission, except—

(a) on the order of any court; or

(b) with the informant's consent; or

(c) in the form of a summary or other general statement published by the Commission which does not identify the informant or any other person to whom the information relates; or

(d) in a report of the investigation published by the Commission or made available for inspection under section 51(5); or

(e) to the Commissioners, additional Commissioners or employees of the Commission, or, so far as may be necessary for the proper performance of the functions of the Commission, to other persons

(f) for the purpose of any civil proceedings under this Act to which the Commission are a party, or any criminal proceedings.

PART VII

(2) Any person who discloses information in contravention of subsection (1) commits an offence and shall be liable on summary conviction to a fine not exceeding £400.

(3) In preparing any report for publication or for inspection the Commission shall exclude, so far as is consistent with their duties and the object of the report, any matter which relates to the private affairs of any individual or the business interests of any person where the publication of that matter might, in the opinion of the Commission, prejudicially affect that individual or person.

PART VIII

ENFORCEMENT

General

33.—(1) Except as provided by this Act no proceedings, whether civil or criminal, shall lie against any person in respect of an act by reason that the act is unlawful by virtue of a provision of this Act. Restriction of proceedings for breach of Act.

(2) Subsection (1) does not preclude the making of an order of certiorari, mandamus or prohibition.

(3) In Scotland, subsection (1) does not preclude the exercise of the jurisdiction of the Court of Session to entertain an application for reduction or suspension of any order or determination or otherwise to consider the validity of any order or determination, or to require reasons for any order or determination to be stated.

Enforcement in employment field

34.—(1) A complaint by any person ("the complainant") that another person ("the respondent")— Jurisdiction of industrial tribunals.

(a) has committed an act of discrimination against the complainant which is unlawful by virtue of Part II; or

(b) is by virtue of section 32 or 33 to be treated as having committed such an act of discrimination against the complainant,

may be presented to an industrial tribunal.

(2) Subsection (1) does not apply to a complaint under section 75(8) of an act in respect of which an appeal, or proceedings in the nature of an appeal, may be brought under any enactment, or to a complaint to which section 75(8) applies.