



# Race Relations Act 1968

## 1968 CHAPTER 71

### PART III

#### MISCELLANEOUS AND GENERAL

#### **27 Application to the Crown, the police and public bodies.**

- (1) This Act binds the Crown.
- (2) The provisions of Parts II to IV of the Crown Proceedings Act 1947 shall apply to proceedings against the Crown under section 19 above as they apply to proceedings in England and Wales which by virtue of section 23 of that Act are treated for the purposes of Part II of that Act as civil proceedings by or against the Crown, except that in their application to proceedings under the said section 19—
  - (a) section 20 of that Act (removal of proceedings from county court to High Court) shall not apply; and
  - (b) section 28 of that Act (discovery) shall have effect subject to section 24 of this Act;

and any restriction in the said provisions on the bringing of proceedings in tort shall apply to proceedings against the Crown under the said section 19.

- (3) The provisions of Parts II to V of the Crown Proceedings Act 1947 shall apply to proceedings against the Crown under section 20 above as they apply to proceedings in Scotland by or against the Crown under that Act, except that in their application to proceedings under the said section 20—
  - (a) the proviso to section 44 of that Act (remission of proceedings from sheriff court to Court of Session) shall not apply; and
  - (b) section 47 of that Act (recovery of documents) shall have effect subject to section 24 of this Act;

and any restriction in the said provisions on the bringing of any proceedings in respect of any such act or omission as is described in section 43(b) of that Act shall apply to proceedings against the Crown under the said section 20.

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- (4) For the purposes of this Act the office of constable shall be treated as if it were employment and a constable shall be treated as if he were employed by the authority by whom he is appointed, except that a constable appointed by justices of the peace on the nomination or application of any authority shall be treated as if he were employed by the authority on whose nomination or application he is appointed, and accordingly the authority by whom or, as the case may be, on whose nomination or application a constable is appointed shall be treated for those purposes as if he or they were an employer or employers.
- (5) A police cadet shall be treated for those purposes as if he were employed by the authority by whom he is appointed and accordingly—
- (a) any such authority shall be treated for those purposes as if he were an employer; and
  - (b) section 17(3) of the Police Act 1964 and section 8(3) of the Police (Scotland) Act 1967 (police authority to be treated as the employer of a police cadet for certain purposes) shall not apply for the purposes of this Act.
- (6) Where by virtue of subsection (4) or (5) above a chief officer of police is treated as if he were the employer of any constable or police cadet, there shall be paid out of the police fund or, in Scotland, by the police authority—
- (a) any damages, costs or expenses awarded against the chief officer of police in any proceedings brought against him under Part II of 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 him in connection with the settlement of any claim made against him by virtue of this section, including any settlement made under Part II of this Act, if the settlement is approved by the police authority.
- (7) Any proceedings under Part II of this Act which by virtue of subsection (4) or (5) above and apart from this subsection 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 the chief officer of police; and references in subsection (6) above to the chief officer of police shall be construed accordingly.
- (8) Section 8(2) and (3) of this Act shall have effect as if any reference to employment, work or persons employed in an undertaking or part of an undertaking included a reference to employment, work or persons employed in the service of the Crown or in any government department or any police force, or part thereof.
- (9) Nothing in this Act shall—
- (a) invalidate any rules (whether made before or after the passing of this Act) restricting employment in the service of the Crown or by any public body prescribed for the purposes of this subsection by regulations made by the Treasury to persons of particular birth, citizenship, nationality, descent or residence; or
  - (b) render unlawful the publication, display or implementation of any such rules or the publication or display of advertisements stating the gist of any such rules.
- (10) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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- (11) References in this section to the Crown include references to Her Majesty in right of the Duchy of Lancaster or the Duke of Cornwall.
- (12) In this section " public body " means a body of persons, whether corporate or unincorporate, carrying on a service or undertaking of a public nature and expressions used in subsections (6) and (7) above and in the Police Act 1964 have the same meaning in those subsections as they have in that Act.

In the application of this subsection to Scotland, for the reference to the Police Act 1964 there shall be substituted a reference to the Police (Scotland) Act 1967.