



Sex Discrimination Act 1975 (repealed)

1975 CHAPTER 65

PART VII

ENFORCEMENT

Enforcement of Part III

66 Claims under Part III.

- (1) A claim by any person (“the claimant”) that another person (“the respondent”)—
- (a) has committed an act of discrimination [^{F1}or harassment] against the claimant which is unlawful by virtue of Part III, [^{F2}other than section 35A or 35B,] or
 - (b) is by virtue of section 41 or 42 to be treated as having committed such an act of discrimination [^{F1}or harassment] against the claimant,

may be made the subject of civil proceedings in like manner as any other claim in tort or (in Scotland) in reparation for breach of statutory duty.

- (2) Proceedings under subsection (1)—

- (a) shall be brought in England and Wales only in a county court, and
- (b) shall be brought in Scotland only in a sheriff court,

but all such remedies shall be obtainable in such proceedings as, apart from this subsection [^{F3}and section 62(1)], would be obtainable in the High Court or the Court of Session, as the case may be.

- (3) As respects an unlawful act of discrimination falling within section 1(1)(b) ^{F4}. . . no award of damages shall be made if the respondent proves that the requirement or condition in question was not applied with the intention of treating the claimant unfavourably on the ground of his sex ^{F5}. . .

[^{F6}(3A) Subsection (3) does not affect the award of damages in respect of an unlawful act of discrimination falling within section 1(2)(b).]

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- (4) For the avoidance of doubt it is hereby declared that damages in respect of an unlawful act of discrimination [^{F7}or harassment] may include compensation for injury to feelings whether or not they include compensation under any other head.
- (5) Civil proceedings in respect of a claim by any person that he has been discriminated against [^{F8}, or subjected to harassment,] in contravention of section 22 or 23 by a body to which section 25(1) applies shall not be instituted unless the claimant has given notice of the claim to the Secretary of State and either the Secretary of State has by notice informed the claimant that the Secretary of State does not require further time to consider the matter, or the period of two months has elapsed since the claimant gave notice to the Secretary of State; but nothing in this subsection applies to a counterclaim.
- [^{F9}(5A) In Scotland, when any proceedings are brought under this section, in addition to the service on the defender of a copy of the summons or initial writ initiating the action a copy thereof shall be sent as soon as practicable to the Commission in a manner to be prescribed by Act of Sederunt.]
- (6) For the purposes of proceedings under subsection (1)—
- (a) [^{F10}section 63(1) (assessors) of the County Courts Act 1984] shall apply with the omission of the words “on the application of any party”, and
 - (b) the remuneration of assessors appointed under the said section [^{F11}63(1)] shall be at such rate as may be determined by the Lord Chancellor with the approval of the Minister for the Civil Service.
- (7) For the purpose of proceedings before the sheriff, provision may be made by act of sederunt for the appointment of assessors by him, and the remuneration of any assessors so appointed shall be at such rate as the Lord President of the Court of Session with the approval of [^{F12}the Treasury] may determine.
- (8) A county court or sheriff court shall have jurisdiction to entertain proceedings under subsection (1) with respect to an act done on a ship, aircraft or hovercraft outside its district, including such an act done outside Great Britain.

Textual Amendments

- F1** Words in s. 66(1) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 30\(2\)](#)
- F2** Words in s. 66(1)(a) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 30\(3\)](#) (with [reg. 2\(1\)](#))
- F3** Words inserted by [Race Relations Act 1976 \(c. 74\)](#), [Sch. 4 para. 5\(1\)](#)
- F4** Words in s. 66(3) omitted (25.3.1996) by virtue of [S.I. 1996/438](#), [reg. 2\(4\)](#)
- F5** Words in s. 66(3) omitted (25.3.1996) by virtue of [S.I. 1996/438](#), [reg. 2\(4\)](#)
- F6** [S. 66\(3A\)](#) inserted (12.10.2001) by [S.I. 2001/2660](#), [reg. 7](#)
- F7** Words in s. 66(4) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 30\(4\)](#)
- F8** Words in s. 66(5) inserted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), [reg. 30\(5\)](#)
- F9** [S. 66\(5A\)](#) inserted by [Race Relations Act 1976 \(c. 74\)](#), [Sch. 4 para. 5\(2\)](#)
- F10** Words substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#), [Sch. 2 para. 55\(a\)](#)
- F11** “63(1)” substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#), [Sch. 2 para. 55\(b\)](#)
- F12** Words substituted by [S.I. 1981/1670](#), [arts. 2\(2\), 3\(5\)](#)

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Modifications etc. (not altering text)

C1 S. 66(5): transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

[^{F13}66A Burden of proof: county and sheriff courts

- (1) This section applies to any claim brought under section 66(1) in a county court in England and Wales or a sheriff court in Scotland.
- (2) Where, on the hearing of the claim, the claimant proves facts from which the court could, apart from this section, conclude in the absence of an adequate explanation that the respondent—
 - [^{F14}(a) has committed an act of discrimination or harassment against the claimant which is unlawful by virtue of—
 - (i) section 29, 30 or 31, or
 - (ii) any other provision of Part 3 so far as it applies to vocational training, or]
 - (b) is by virtue of section 41 or 42 to be treated as having committed such an act of discrimination [^{F15}or harassment] against the claimant,the court shall uphold the claim unless the respondent proves that he did not commit, or, as the case may be, is not to be treated as having committed, that act.]

Textual Amendments

- F13** S. 66A inserted (12.10.2001) by S.I. 2001/2660, reg. 6
- F14** S. 66A(2)(a) substituted (6.4.2008) by [The Sex Discrimination \(Amendment of Legislation\) Regulations 2008 \(S.I. 2008/963\)](#), reg. 2(1), **Sch. 1 para. 17** (with reg. 4(1))
- F15** Words in s. 66A(2)(b) substituted (1.10.2005) by [The Employment Equality \(Sex Discrimination\) Regulations 2005 \(S.I. 2005/2467\)](#), **reg. 31(3)**

[^{F16}66B National security

- (1) Rules of court may make provision for enabling a county court or sheriff court in which a claim is brought under section 66(1), where the court considers it expedient in the interests of national security—
 - (a) to exclude from all or part of the proceedings—
 - (i) the claimant;
 - (ii) the claimant's representatives;
 - (iii) any assessors;
 - (b) to permit a claimant or representative who has been excluded to make a statement to the court before the commencement of the proceedings, or the part of the proceedings, from which he is excluded;
 - (c) to take steps to keep secret all or part of the reasons for the court's decision in the proceedings.
- (2) The Attorney General or, in Scotland, the Advocate General for Scotland, may appoint a person to represent the interests of a claimant in, or in any part of, proceedings from which the claimant or his representatives are excluded by virtue of subsection (1).
- (3) A person may be appointed under subsection (2) only—

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- (a) in relation to proceedings in England and Wales, if he has a general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41)), or
 - (b) in relation to proceedings in Scotland, if he is—
 - (i) an advocate, or
 - (ii) qualified to practice as a solicitor in Scotland.
- (4) A person appointed under subsection (2) shall not be responsible to the person whose interests he is appointed to represent.]

Textual Amendments

F16 S. 66B inserted (18.4.2006) by Equality Act 2006 (c. 3), ss. 87, 93 (with s. 92); S.I. 2006/1082, art. 2(j)

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