



Race Relations Act 1976

1976 CHAPTER 74

PART III

DISCRIMINATION IN OTHER FIELDS

Education

17 **Discrimination by bodies in charge of educational establishments**

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—

- (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.

TABLE

ENGLAND AND WALES

| <i>Establishment</i> | <i>Responsible body</i> |
|---|--|
| 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. |

Status: This is the original version (as it was originally enacted).

| <i>Establishment</i> | <i>Responsible body</i> |
|--|-------------------------|
| 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. |

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 |
| 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 Other discrimination by local education authorities

- (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.
- (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 General duty in public sector of education

- (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.

Status: This is the original version (as it was originally enacted).

- (2) The following provisions of the Education Act 1944, 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.
- (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 ;
 - (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;
 - (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

20 Discrimination in provision of goods, facilities or services

- (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

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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 Discrimination in disposal or management of premises

(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—

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

(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—

- (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.

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

- (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.

24 Discrimination: consent for assignment or sub-letting

- (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 Discrimination: associations not within s.11

- (1) This section applies to any association of persons (however described, whether corporate or unincorporate, and whether or not its activities are carried on for profit) if—
 - (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).

26 Exception from s. 25 for certain associations

- (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

27 Extent of Part III

- (1) Sections 17 to 19 do not apply to benefits, facilities or services outside Great Britain except—
 - (a) travel on 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 in or over a country outside the United Kingdom, or in or over that country's territorial waters, for the purpose of complying with the laws of that country.