



Race Relations Act 1976

1976 CHAPTER 74

PART VIII

ENFORCEMENT

Other enforcement by Commission

62 Persistent discrimination

- (1) If, during the period of five years beginning on the date on which any of the following became final in the case of any person, namely—
- (a) a non-discrimination notice served on him ; or
 - (b) a finding by a tribunal or court under section 54 or 57 ; that he has done an unlawful discriminatory act; or
 - (c) a finding by a court in proceedings under section 19 or 20 of the Race Relations Act 1968 that he has done an act which was unlawful by virtue of any provision of Part I of that Act,

it appears to the Commission that unless restrained he is likely to do one or more acts falling within paragraph (b), or contravening section 28, the Commission may apply to a designated county court for an injunction, or to a sheriff court for an order, restraining him from doing so; and the court, if satisfied that the application is well-founded, may grant the injunction or order in the terms applied for or in more limited terms.

- (2) In proceedings under this section the Commission shall not allege that the person to whom the proceedings relate has done an act falling within subsection (1)(b) or contravening section 28 which is within the jurisdiction of an industrial tribunal unless a finding by an industrial tribunal that he did that act has become final.

63 Enforcement of ss. 29 to 31

- (1) Proceedings in respect of a contravention of section 29, 30 or 31 shall be brought only by the Commission in accordance with the following provisions of this section.

Status: This is the original version (as it was originally enacted).

- (2) The proceedings shall be—
 - (a) an application for a decision whether the alleged contravention occurred; or
 - (b) an application under subsection (4),or both.
- (3) An application under subsection (2)(a) shall be made—
 - (a) in a case based on any provision of Part II, to an industrial tribunal; and
 - (b) in any other case, to a designated county court or a sheriff court.
- (4) If it appears to the Commission—
 - (a) that a person has done an act which by virtue of section 29, 30 or 31 was unlawful; and
 - (b) that unless restrained he is likely to do further acts which by virtue of that section are unlawful,the Commission may apply to a designated county court for an injunction, or to a sheriff court for an order, restraining him from doing such acts ; and the court, if satisfied that the application is well-founded, may grant the injunction or order in the terms applied for or more limited terms.
- (5) In proceedings under subsection (4) the Commission shall not allege that the person to whom the proceedings relate has done an act which is unlawful under this Act and within the jurisdiction of an industrial tribunal unless a finding by an industrial tribunal that he did that act has become final.

64 Preliminary action in employment cases

- (1) With a view to making an application under section 62(1) or 63(4) in relation to a person the Commission may present to an industrial tribunal a complaint that he has done an act within the jurisdiction of an industrial tribunal, and if the tribunal considers that the complaint is well-founded it shall make a finding to that effect and, if it thinks it just and equitable to do so in the case of an act contravening any provision of Part II may also (as if the complaint had been presented by the person discriminated against) make an order such as is referred to in section 56(1)(a), or a recommendation such as is referred to in section 56(1)(c), or both.
- (2) Subsection (1) is without prejudice to the jurisdiction conferred by section 63(2).
- (3) In sections 62 and 63 and this section, the acts " within the jurisdiction of an industrial tribunal" are those in respect of which such jurisdiction is conferred by sections 54 and 63.