

SCHEDULES

SCHEDULE 2

Section 9(1).

CONSEQUENTIAL AMENDMENTS

Race Relations Act 1976 (c. 74)

- 1 In section 17 of the 1976 Act (prohibition on discrimination by certain education bodies), in the Table—
- (a) in paragraph 7 for “73(c) or (d)” there is substituted “73(d)”; and
 - (b) after paragraph 7 there is inserted—
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- “7AA. A grant-aided school, within The managers of the school.”
the meaning of section 135 of the
Education (Scotland) Act 1980.
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- 2 In section 27(1) of the 1976 Act (extent of Part III), for “19” there is substituted “18D”.
- 3 After section 27(1) of that Act, there is inserted—
- “(1A) In its application in relation to granting entry clearance (within the meaning of the Immigration Act 1971) section 19B applies in relation to acts done outside the United Kingdom, as well as those done within Great Britain.”
- 4 In section 53(1) of that Act (restriction of proceedings for breach of Act), after first “Act” there is inserted “or the Special Immigration Appeals Commission Act 1997 or Part IV of the Immigration and Asylum Act 1999”.
- 5 After section 53(3) of that Act (judicial review to be available for government appointments outside the employment field), there is added—
- “(4) Subsections (2) and (3) do not, except so far as provided by section 76, apply to any act which is unlawful by virtue of section 76(5) or (9) or by virtue of section 76(10)(b) and (11).”
- 6 In section 57(5) of that Act (claims under Part III in relation to certain educational bodies)—
- (a) for the words “section 19(1)” there is substituted “subsection (5A)”; and
 - (b) the words from “and” to the end of the subsection are omitted.
- 7 After section 57(5) of that Act, there is inserted—
- “(5A) This subsection applies to—
- (a) local education authorities in England and Wales;
 - (b) education authorities in Scotland; and
 - (c) any body which is a responsible body in relation to an establishment falling within paragraph 3, 3B or 7B of the table in section 17.”

Status: This is the original version (as it was originally enacted).

- 8 In section 59(1)(b) of that Act (appeal against non-discrimination notice), after “the court” there is inserted “(ignoring section 57A)”.
- 9 In section 62(1) of that Act (persistent discrimination), after “or” at the end of paragraph (b) there is inserted—
 “(ba) a finding under the Special Immigration Appeals Commission Act 1997 or Part IV of the Immigration and Asylum Act 1999 that he has done an act which was unlawful by virtue of section 19B; or”.
- 10 After section 65(6) of that Act (help for aggrieved persons in obtaining information etc.), there is added—
 “(7) This section does not apply in relation to any proceedings under—
 (a) the Special Immigration Appeals Commission Act 1997; or
 (b) Part IV of the Immigration and Asylum Act 1999.”
- 11 After section 66(7) of that Act (assistance by Commission), there is added—
 “(8) This section (except for subsection (4)) applies to proceedings or prospective proceedings under the Special Immigration Appeals Commission Act 1997 or Part IV of the Immigration and Asylum Act 1999 so far as they relate to acts which may be unlawful by virtue of section 19B as it applies to proceedings or prospective proceedings under this Act.
 (9) In this section as it applies by virtue of subsection (8) “rules and regulations” means—
 (a) in relation to proceedings under the Act of 1997, rules under section 5 or 8 of that Act;
 (b) in relation to proceedings under Part IV of the Act of 1999, rules under paragraph 3 or 4 of Schedule 4 to that Act.”
- 12 After section 67(3) of that Act (extension of jurisdiction of county courts and sheriff courts), there is inserted—
 “(3A) A designated county court or a sheriff court shall have jurisdiction to entertain proceedings under this Act with respect to an act done outside the United Kingdom where section 19B applies in relation to such an act by virtue of section 27(1A).”
- 13 In section 68(2) of that Act (period within which proceedings to be brought), at the beginning there is inserted “Subject to subsection (2A)”.
- 14 After section 68(2) of that Act, there is inserted—
 “(2A) In relation to an immigration claim within the meaning of section 57A, the period of six months mentioned in subsection (2)(a) begins on the expiry of the period during which, by virtue of section 57A(1)(a), no proceedings may be brought under section 57(1) in respect of the claim.”
- 15 In section 69(2) of that Act (evidence), after “Act” there is inserted “or any enactment mentioned in section 19D(5)”.
- 16 In section 73(1)(b) of that Act (power to amend certain provisions of Act), after “or (2),” there is inserted “19B,”.
- 17 After section 75(2) of that Act (application to Crown etc.), there is inserted—

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

“(2A) Subsections (1) and (2) do not apply in relation to the provisions mentioned in subsection (2B).

(2B) Sections 19B to 19F, sections 71 to 71E (including Schedule 1A) and section 76 bind the Crown; and the other provisions of this Act so far as they relate to those provisions shall be construed accordingly (including, in particular, references to employment in Part IV).”

18 In section 75(3) of that Act—

(a) for “and (2)” there is substituted “to (2B)”; and

(b) for “section 16” there is substituted “sections 76A and 76B”.

19 In section 78(1) of that Act (general interpretation provisions), at the appropriate places, there are inserted—

““body” includes an unincorporated association;”

““criminal investigation” has the meaning given by section 57(4B);” and

““criminal proceedings” includes—

(a) proceedings on dealing summarily with a charge under the Army Act 1955 or the Air Force Act 1955 or on summary trial under the Naval Discipline Act 1957;

(b) proceedings before a summary appeal court constituted under any of those Acts;

(c) proceedings before a court-martial constituted under any of those Acts or a disciplinary court constituted under section 52G of the Act of 1957;

(d) proceedings before the Courts-Martial Appeal Court; and

(e) proceedings before a Standing Civilian Court;”.

Local Government Act 1988 (c. 9)

20 In section 18(1) of the Local Government Act 1988 (race relations matters)—

(a) for the words from “71” to “regard to” there is substituted “71(1) of the Race Relations Act 1976 and any duty imposed by an order under section 71(2) of that Act (duties relating to the”;

(b) for “local authority” there is substituted “public authority to which section 17 above applies”.

21 In section 18(2) of that Act—

(a) for “local authority” there is substituted “public authority to which that section applies”; and

(b) for “71” there is substituted “71(1) or any duty imposed by an order under the said section 71(2)”.

22 Section 18(7A) of that Act is omitted.

Special Immigration Appeals Commission Act 1997 (c. 68)

23 In section 2A(1) of the Special Immigration Appeals Commission Act 1997 (jurisdiction: human rights), after “appealable decision,” there is inserted “racially discriminated against him or”.

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

- 24 In section 2A(2) of that Act, after “this section,” there is inserted “—
 (a) an authority racially discriminates against a person if he acts, or fails to act, in relation to that other person in a way which is unlawful by virtue of section 19B of the Race Relations Act 1976; and
 (b)”.
- 25 In section 2A(3) of that Act, after “the proceedings,” there is inserted “racially discriminated against the appellant or”.
- 26 In section 2A(5) of that Act—
 (a) after “concerned” there is inserted “—
 (a) racially discriminated against the appellant; or
 (b)”;
 and
 (b) for “that ground” there is substituted “the ground in question”.
- 27 In the side note to section 2A of that Act, after “Jurisdiction:” there is inserted “racial discrimination and”.
- 28 In section 5 of that Act (procedure in relation to jurisdiction under section 2 of that Act etc.)—
 (a) in subsection (1)(a) after “2” there is inserted “or 2A”;
 (b) in subsection (1)(b) for “that section” there is substituted “section 2 or 2A above”; and
 (c) in subsection (2) after “2” there is inserted “or 2A”.
- 29 In Schedule 2 to that Act (appeals: supplementary)—
 (a) in paragraph 4 after “2” there is inserted “or 2A”; and
 (b) in paragraphs 6 and 7 after “2” there is inserted “and 2A”.

School Standards and Framework Act 1998 (c. 31)

- 30 In paragraph 8(b) of Schedule 4 to the School Standards and Framework Act 1998 (school organisation committees to have regard to certain obligations owed by local education authorities and governing bodies under the Race Relations Act 1976), after “Part III” there shall be inserted “or section 71”.
- 31 In paragraph 6(b) of Schedule 5 to the Act of 1998 (adjudicators to have regard to certain obligations owed by local education authorities and governing bodies under the Race Relations Act 1976), after “Part III” there shall be inserted “or section 71”.

Immigration and Asylum Act 1999 (c. 33)

- 32 In section 65(3) of the Immigration and Asylum Act 1999 (acts made unlawful by section 6(1) of the Human Rights Act 1998), after “Kingdom,” there is inserted “racially discriminated against the appellant or”.
- 33 In section 65(5) of the Act of 1999—
 (a) after “concerned” there is inserted “—
 (a) racially discriminated against the appellant; or
 (b)”;
 and
 (b) for “that ground” there is substituted “the ground in question”.

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

- 34 For the side-note to section 65 of that Act, there is substituted “Racial discrimination and breach of human rights.”
- 35 In section 72(2)(a) of that Act (miscellaneous limitations on rights of appeal), after “rights” there is inserted “or racially discriminated against him”.
- 36 In section 73(2) of that Act (limitation on further appeals), after “a claim that” there is inserted “in taking a decision, a decision-maker racially discriminated against the appellant or that”.
- 37 In section 74(7) of that Act (duty to disclose grounds for appeal etc.), after paragraph (a) there is inserted—
 “(aa) if he claims that he was racially discriminated against, include notice of that claim;”.
- 38 In section 76(3)(a) of that Act (result of failure to give statement of additional grounds for appeal), for “breached the applicant's” there is substituted “racially discriminated against the applicant or breached his”.
- 39 In Schedule 4 to that Act (appeals), in paragraph 9(2) for the words “that the claim is one to which this paragraph applies” there is substituted “with the opinion expressed in the Secretary of State’s certificate”.
- 40 In that Schedule to that Act, after paragraph 9 there is inserted—

“Racial discrimination

- 9A (1) This paragraph applies to an appeal under Part IV of this Act by a person who claims that he has been racially discriminated against, if the Secretary of State has certified that, in his opinion, the claim is manifestly unfounded.
- (2) If, on an appeal to which this paragraph applies, the adjudicator agrees with the opinion expressed in the Secretary of State’s certificate, paragraph 22 does not confer on the appellant any right to appeal to the Immigration Appeal Tribunal.”