
DRAFT STATUTORY INSTRUMENTS

2003 No.

The Race Relations Act 1976 (Amendment) Regulations 2003

Racial discrimination

3. In section 1 of the 1976 Act (racial discrimination), after subsection (1), insert—

“(1A) A person also discriminates against another if, in any circumstances relevant for the purposes of any provision referred to in subsection (1B), he applies to that other a provision, criterion or practice which he applies or would apply equally to persons not of the same race or ethnic or national origins as that other, but—

- (a) which puts or would put persons of the same race or ethnic or national origins as that other at a particular disadvantage when compared with other persons,
- (b) which puts that other at that disadvantage, and
- (c) which he cannot show to be a proportionate means of achieving a legitimate aim.

(1B) The provisions mentioned in subsection (1A) are—

- (a) Part II;
- (b) sections 17 to 18D;
- (c) section 19B, so far as relating to -
 - (i) any form of social security;
 - (ii) health care;
 - (iii) any other form of social protection; and
 - (iv) any form of social advantage;which does not fall within section 20;

- (d) sections 20 to 24;
- (e) sections 26A and 26B;
- (f) sections 76 and 76ZA; and
- (g) Part IV, in its application to the provisions referred to in paragraphs (a) to (f).

(1C) Where, by virtue of subsection (1A), a person discriminates against another, subsection (1)(b) does not apply to him.”.