



Race Relations Act 1968

1968 CHAPTER 71

PART II

CONCILIATION AND ENFORCEMENT

Legal proceedings

22 Damages.

(1) In proceedings brought under section 19 or 20 above in which damages are claimed on behalf of any person in respect of an act alleged to be unlawful by virtue of any provision of Part I of this Act the court, if satisfied that the act was done and was unlawful, may award—

- (a) special damages or, in Scotland, damages for any expenses reasonably incurred by him for the purpose of the transaction or activity out of which that act arose ; and
- (b) such damages as the court thinks just in all the circumstances for loss of opportunity, that is to say, loss of any benefit which that person might reasonably be expected to have had but for that act;

subject, however, to the application of the same rule concerning the duty of a person to mitigate his loss as applies in relation to damages recoverable under the common law of England and Wales or of Scotland, as the case may be.

(2) A court shall not award damages under this section for loss of opportunity in respect of any person unless the court is satisfied that at the time of the unlawful act he was in a position to acquire the goods, services, facilities or land constituting or giving rise to the benefit or, as the case may be, had the qualifications necessary for him to obtain or retain the benefit.

(3) Damages recovered under this section by the Race Relations Board in respect of any person shall be accounted for to him by the Board.