

## SCHEDULES

### SCHEDULE 2

Section 79.

#### TRANSITIONAL PROVISIONS

##### *Interpretation*

- 1 In this Schedule—
- " the 1968 Act " means the Race Relations Act 1968 ;
  - " the repeal date " means the date on which the repeal of the 1968 Act by this Act takes effect;
  - " the Board " means the Race Relations Board.

##### *Enforcement*

- 2 The repeal of the 1968 Act shall not—
- (a) invalidate any injunction or order granted or made under section 21 or 23 of that Act which is in force immediately before the repeal date ; or
  - (b) remove from any court any jurisdiction which, but for that repeal, it would have in relation to any such injunction or order.
- 3 Any proceedings under section 19 or 20 of the 1968 Act which are pending immediately before the repeal date may be continued on and after that date by the Commission as if that Act had not been repealed and the Commission were the Board.
- 4 (1) Where a complaint such as is mentioned in section 15(1) or 16(1) of the 1968 Act was made but not disposed of before the repeal date, the relevant provisions of the 1968 Act shall, notwithstanding their repeal, continue to apply in relation to the complaint and the act complained of, but as if anything falling to be done in that connection by or in relation to the Board or a conciliation committee fell to be done by or in relation to the Commission or, in so far as the Commission may so direct, a committee appointed for that purpose by the Commission.
- (2) For the purposes of this paragraph the relevant provisions of the 1968 Act are—
- (a) for a complaint such as is mentioned in section 15(1) of that Act, sections 15, 18 to 24 and 27 to 29 of that Act; or
  - (b) for a complaint such as is mentioned in section 16(1) of that Act, section 16(1) of, Schedule 2 to, and sections 18 to 24 and 27 to 29 of, that Act.
- 5 Where a complaint such as is mentioned in section 15(1) or 16(1) of the 1968 Act could have been, but was not, made before the repeal date in respect of an act done before that date, the relevant provisions of the 1968 Act (within the meaning of paragraph 4) shall, notwithstanding their repeal, continue to apply in relation to that act and any such complaint made in respect of it, but as if anything falling to be done in that connection by or in relation to the Board or a conciliation committee fell to be done as mentioned in paragraph 4(1).

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

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- 6 (1) Where—
- (a) an investigation under subsection (1) of section 17 of the 1968 Act was begun but not completed before the repeal date; or
  - (b) a matter was before that date referred for investigation under that subsection but was at that date still awaiting investigation ; or
  - (c) an investigation under that subsection having been completed before that date, some action arising out of the investigation would have fallen to be taken or continued under the 1968 Act on or after that date if that Act had not been repealed,
- the relevant provisions of the 1968 Act shall, notwithstanding their repeal, continue to apply in relation to the investigation and its subject-matter, but as if anything falling to be done in that connection by or in relation to the Board or a conciliation committee fell to be done as mentioned in paragraph 4(1).

- (2) For the purposes of this paragraph the relevant provisions of the 1968 Act are section 17(1) of, Schedule 3 to, and sections 18 to 24 and 27 to 29 of, that Act.

- 7 The Commission—
- (a) may pay to members of any committee appointed by the Commission for the purposes of paragraph 4, 5 or 6 travelling or other allowances in accordance with such scales as may be approved by the Secretary of State with the consent of the Treasury, and may defray any other expenses of such a committee to such amount as may be so approved; and
  - (b) shall pay to any assessors appointed by the Commission under section 18 of the 1968 Act such remuneration and allowances as the Commission may, with the consent of the Treasury and after consultation with the Secretary of State, determine.

- 8 (1) An order under section 19 of the 1968 Act appointing a county court to have jurisdiction under, and assigning to it a district for the purposes of, that section, or providing for the discontinuance of any jurisdiction of a county court for those purposes, shall, so far as it is in force immediately before the repeal date, have effect with the necessary modifications as if made under section 67(1) for the purposes of this Act.

In its application on or after the repeal date by virtue of paragraph 3, 4, 5 or 6, section 19 of the 1968 Act shall have effect as if—

- (a) subsections (3) to (5) were omitted; and
- (b) any reference to, or to the district assigned to, a county court appointed to have jurisdiction thereunder were a reference to, or to the district of, a designated county court;

and section 67(6) shall apply in relation to proceedings under that section in its application as aforesaid as if they were proceedings under this Act.

*Regulations under s. 27(9) of 1968 Act*

- 9 Any regulations under section 27(9) of the 1968 Act shall, so far as they are in force immediately before the repeal date, have effect as if made under section 75(5).

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

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*Property, rights and liabilities of Race Relations  
Board and Community Relations Commission*

- 10 (1) On the repeal date all property, rights and liabilities which immediately before that date were property, rights and liabilities of the Board or of the Community Relations Commission shall vest in the Commission for Racial Equality by virtue of this paragraph and without further assurance.
- (2) Section 12 of the Finance Act 1895 (which requires Acts to be stamped as conveyances on sale in certain cases) shall not apply to any transfer of property effected by this paragraph.
- (3) Any damages recovered by the Commission for Racial Equality on or after the repeal date by virtue of an award made under section 22 of the 1968 Act shall be accounted for by the Commission to the person in respect of whom they were awarded.

*Staff*

- 11 (1) In this and the following paragraph "present employee" means a person who immediately before the repeal date is employed by the Board or the Community Relations Commission.
- (2) This sub-paragraph applies to any present employee—
- (a) who is employed by the Commission as from the repeal date ; or
  - (b) who was offered employment with the Commission as from that date on terms which, taken as a whole, are not less favourable than those on which he was employed at the time of the offer, but unreasonably refused the offer.
- (3) For the purposes of the Redundancy Payments Act 1965 and any scheme under section 1 of the Superannuation Act 1972 a present employee to whom sub-paragraph (2) above applies shall not be treated as having been dismissed by reason of, or retired on, redundancy on his ceasing to be employed by the Board or the Community Relations Commission (as the case may be).
- (4) For the purposes of—
- (a) the Contracts of Employment Act 1972 ;
  - (b) the Trade Union and Labour Relations Act 1974 ;
  - (c) the Employment Protection Act 1975 ; and
  - (d) any scheme under section 1 of the Superannuation Act 1972,
- there shall be deemed to have been no break at the repeal date in the employment of a present employee who as from that date is employed by the Commission.
- (5) Any liability to pay a redundancy payment under the Redundancy Payments Act 1965 to an employee of the Community Relations Commission which arises on the repeal date and which, if it had so arisen without that Commission ceasing to exist, would have arisen as a liability of that Commission, shall instead be a liability of the Secretary of State.
- 12 Where a present employee whose employment immediately before the repeal date is with the Community Relations Commission is not employed by the Commission for Racial Equality as from that date and is not within paragraph 11(2)(b), the Secretary of State may, with the consent of the Minister for the Civil Service, make to him as compensation for his loss of employment (whether or not he is entitled to a redundancy payment in respect thereof) a payment of such amount as, with the consent of that Minister, the Secretary of State may determine.

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- 13 Any dispute arising under paragraph 11 as to whether or not—
- (a) the terms of employment offered to a person are, taken as a whole, less favourable than those on which he was employed at the time when an offer of employment with the Commission was made to him ; or
  - (b) a person's refusal of an offer of employment with the Commission was unreasonable,
- shall be referred to and determined by an industrial tribunal.