

SCHEDULES

SCHEDULE 1

Section 43.

THE COMMISSION FOR RACIAL EQUALITY

Incorporation and status

- 1 On the appointment by the Secretary of State of the first Commissioners, the Commission shall come into existence as a body corporate.
- 2 (1) The Commission is not an emanation of the Crown, and shall not act or be treated as the servant or agent of the Crown.
- (2) Accordingly—
- (a) neither the Commission nor a Commissioner or member of its staff as such is entitled to any status, immunity, privilege or exemption enjoyed by the Crown ;
 - (b) the Commissioners and members of the staff of the Commission as such are not civil servants ; and
 - (c) the Commission's property is not property of, or held on behalf of, the Crown.

Tenure of office of Commissioners

- 3 (1) A Commissioner shall hold and vacate his office in accordance with the terms of his appointment.
- (2) A person shall not be appointed a Commissioner for more than five years.
- (3) With the consent of the Commissioner concerned, the Secretary of State may alter the terms of an appointment so as to make a full-time Commissioner into a part-time Commissioner or vice versa, or for any other purpose.
- (4) A Commissioner may resign by notice to the Secretary of State.
- (5) The Secretary of State may terminate the appointment of a Commissioner if satisfied that—
- (a) without the consent of the Commission, he failed to attend the meetings of the Commission during a continuous period of six months beginning not earlier than nine months before the termination; or
 - (b) he is an undischarged bankrupt, or has made an arrangement with his creditors, or is insolvent within the meaning of paragraph 9(2) of Schedule 3 to the Conveyancing and Feudal Reform (Scotland) Act 1970 ; or
 - (c) he is by reason of physical or mental illness, or for any other reason, incapable of carrying out his duties.
- (6) Past service as a Commissioner is no bar to re-appointment.

Status: This is the original version (as it was originally enacted).

Tenure of office of chairman and deputy chairmen

- 4 (1) The chairman and each deputy chairman shall hold and vacate his office in accordance with the terms of his appointment, and may resign by notice to the Secretary of State.
- (2) The office of the chairman or a deputy chairman is vacated if he ceases to be a Commissioner.
- (3) Past service as chairman or a deputy chairman is no bar to re-appointment.

Remuneration of Commissioners

- 5 The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of the Commissioners or any of them as, with the consent of the Minister for the Civil Service, he may determine.
- 6 Where a person ceases to be a Commissioner otherwise than on the expiry of his term of office, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may, with the consent of the Minister for the Civil Service, direct the Commission to make to that person a payment of such amount as, with the consent of that Minister, the Secretary of State may determine.

Additional Commissioners

- 7 (1) Paragraphs 2(2), 3(1) and (6), and 6 shall apply to additional Commissioners appointed under section 48(2) as they apply to Commissioners.
- (2) The Commission may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of an additional Commissioner as the Secretary of State, with the consent of the Minister for the Civil Service, may determine.
- (3) With the approval of the Secretary of State and the consent of the additional Commissioner concerned, the Commission may alter the terms of an appointment of an additional Commissioner so as to make a full-time additional Commissioner into a part-time additional Commissioner or vice versa, or for any other purpose.
- (4) An additional Commissioner may resign by notice to the Commission.
- (5) The Secretary of State, or the Commission acting with the approval of the Secretary of State, may terminate the appointment of an additional Commissioner if satisfied that—
- (a) without reasonable excuse he failed to carry out the duties for which he was appointed during a continuous period of three months beginning not earlier than six months before the termination ; or
 - (b) he is a person such as is mentioned in paragraph 3(5)(b) ; or
 - (c) he is by reason of physical or mental illness, or for any other reason, incapable of carrying out his duties.
- (6) The appointment of an additional Commissioner shall terminate at the conclusion of the investigation for which he was appointed, if not sooner.

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

Staff

- 8 The Commission may, after consultation with the Secretary of State, appoint such officers and servants as they think fit, subject to the approval of the Minister for the Civil Service as to numbers and as to remuneration and other terms and conditions of service.
- 9 (1) Employment with the Commission shall be included among the kinds of employment to which a superannuation scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) the words " Commission for Racial Equality" shall be inserted after the words " Commission on Industrial Relations. "
- (2) Where a person who is employed by the Commission and is by reference to that employment a participant in a scheme under section 1 of the Superannuation Act 1972 becomes a Commissioner or an additional Commissioner, the Minister for the Civil Service may determine that his service as a Commissioner or additional Commissioner shall be treated for the purposes of the scheme as service as an employee of the Commission.
- 10 (1) In this paragraph—
- " the new Commission " means the Commission for Racial Equality;
- " present Commission employee " means a person who immediately before the repeal date is employed by the Community Relations Commission ;
- " private pension scheme " means a scheme for the payment of pensions, allowances or gratuities other than one made under section 1 of the Superannuation Act 1972;
- " the repeal date " means the date on which the repeal of the Race Relations Act 1968 by this Act takes effect.
- (2) If a present Commission employee enters the employment of the new Commission on the repeal date and on so doing elects to be covered for his service in that employment by a private pension scheme in which he was a participant in respect of his service in the employment of the Community Relations Commission, the new Commission may make such payments towards the provision of benefits to or in respect of him under that scheme (or any other private pension scheme replacing it) as may be determined by the new Commission with the consent of the Secretary of State given with the approval of the Minister for the Civil Service; and it shall be the duty of the new Commission and those Ministers in the exercise of their functions under this subparagraph to ensure that his rights under the scheme do not become less advantageous than they were when he entered the employment of the new Commission.
- (3) Where a person who is employed by the new Commission and is in respect of that employment a participant in a private pension scheme becomes a Commissioner or an additional Commissioner, his service as a Commissioner or additional Commissioner may be treated for the purposes of the scheme as service as an employee of the new Commission.
- 11 The Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the Commission.

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Advisory committees

- 12 The Commission may, with the approval of the Secretary of State, appoint advisory committees for the purpose of such of their functions as they think fit.

Proceedings and business

- 13 (1) Subject to the provisions of this Act—
- (a) the Commission shall discharge their functions in accordance with arrangements made by the Commission and approved by the Secretary of State ; and
 - (b) arrangements so made and approved may provide for the discharge under the general direction of the Commission of any of the Commission's functions by a committee of the Commission, or by two or more Commissioners.
- (2) Anything done by or in relation to a committee of the Commission or Commissioners in the discharge of the Commission's functions shall have the same effect as if done by or in relation to the Commission.
- 14 The validity of any proceedings of the Commission shall not be affected by any vacancy among the members of the Commission or by any defect in the appointment of any Commissioner or additional Commissioner.
- 15 The quorum for meetings of the Commission shall in the first instance be determined by a meeting of the Commission attended by not less than five Commissioners.

Finance

- 16 The Secretary of State shall pay to the Commission expenses incurred or to be incurred by them under paragraph 6, 7, 8 or 10 of this Schedule or paragraph 7 of Schedule 2, and, with the consent of the Minister for the Civil Service and the Treasury, shall pay to the Commission such sums as the Secretary of State thinks fit for enabling the Commission to meet other expenses.
- 17 (1) The accounting year of the Commission shall be the twelve months ending on 31st March.
- (2) It shall be the duty of the Commission—
- (a) to keep proper accounts and proper records in relation to the accounts ;
 - (b) to prepare in respect of each accounting year a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury ; and
 - (c) to send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of the month of November next following the accounting year to which the statement relates.
- (3) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this Schedule and shall lay copies of each statement and of his report before each House of Parliament.

Disqualification Acts

- 18 (1) In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 and Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975

(bodies of which all members are disqualified under those Acts), there shall (at the appropriate place in alphabetical order) be inserted the following entry:—

“The Commission for Racial Equality”.

- (2) In Part III of Schedule 1 to each of those Acts of 1975 (other disqualifying offices) there shall (at the appropriate place in alphabetical order) be inserted the following entry:—

“Additional Commissioner of the Commission for Racial Equality”.

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

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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).

- 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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*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.

SCHEDULE 3

Section 79.

MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 (1) The Employment Protection Act 1975 shall be amended as follows.
- (2) In section 72(3) of that Act (descriptions of dismissal in respect of which there may be a higher additional award of compensation), for paragraph (b) substitute—
- “(b) a dismissal which is an act of discrimination (within the meaning of the Race Relations Act 1976) which is unlawful by virtue of that Act;”.
- (3) For section 77 of that Act (compensation for act which is both sex discrimination and unfair dismissal) substitute—

“77 Compensation for act which is both sex or racial discrimination (or both) and unfair dismissal.

- (1) Where compensation falls to be awarded in respect of any act both under the provisions of this Act relating to unfair dismissal and under one or both of the following Acts, namely the Sex Discrimination Act 1975 and the Race Relations Act 1976, an industrial tribunal shall not award compensation under any one of those two or, as the case may be, three Acts in respect of any loss or other matter which is or has been taken into account under the other or any other of them by the tribunal or another industrial tribunal in awarding compensation on the same or another complaint in respect of that act.
- (2) Without prejudice to paragraph 20 of Schedule 1 to the 1974 Act (limit on compensation), whether as substituted by Part III of Schedule 16 to this Act or as applied by section 65 of the Sex Discrimination Act 1975 or section 56 of the Race Relations Act 1976, in a case to which subsection (1) above applies the aggregate of the following amounts of compensation awarded by an industrial tribunal, that is to say—
 - (a) any compensation awarded under the said Act of 1975 ; and
 - (b) any compensation awarded under the said Act of 1976 ; and
 - (c) any compensation awarded under section 72(1) above or, as the case may be, which is calculated in accordance with section 76 above,
 shall not exceed the limit for the time being imposed by the said paragraph 20.”.
- (4) In section 88(1) of that Act (appeals from industrial tribunals to Employment Appeal Tribunal), after paragraph (f) add—
 - “(g) the Race Relations Act 1976.”.

- (5) In section 122(2) of that Act (application of employment legislation to House of Commons staff), for the words from the beginning to " Sex Discrimination Act 1975 " substitute—

“(2) The provisions of the following enactments, that is to say—
(a) section 1 of the Equal Pay Act 1970 ; and
(b) Parts II and IV of the Sex Discrimination Act 1975 ; and
(c) Parts II and IV of the Race Relations Act 1976.”.

SCHEDULE 4

Section 79.

AMENDMENTS OF SEX DISCRIMINATION ACT 1975

- 1 After section 56 insert the cross-heading " Codes of Practice " and, below it, insert as section 56A a section in terms identical with those of section 47 of this Act except for the following adaptations, namely—

(a) in subsection (1), for " persons of different racial groups " substitute " men and women " ;
(b) in subsection (8), for " section 74(3) " substitute " section 81(4) " .

- 2 (1) After section 58(3) (terms of reference of an investigation) insert as subsection (3A) a subsection in terms identical with those of section 49(4) of this Act.

(2) In section 58(4) for " and (3) " substitute " (3) and (3A) " .

- 3 For section 62 (no further sanctions for breach of Act) substitute—

“62 Restriction of proceedings for breach of Act.

(1) Except as provided by this Act no proceedings, whether civil or criminal, shall lie against any person in respect of an act by reason that the act is unlawful by virtue of a provision of this Act.

(2) Subsection (1) does not preclude the making of an order of certiorari, mandamus or prohibition.

(3) In Scotland, subsection (1) does not preclude the exercise of the jurisdiction of the Court of Session to entertain an application for reduction or suspension of any order or determination, or otherwise to consider the validity of any order or determination, or to require reasons for any order or determination to be stated.”.

- 4 In section 65(3)(a), after " may " insert " (subject to the limit in subsection (2)) " .

- 5 (1) In section 66(2) (claims under Part III) after " this subsection " insert " and section 62(1) " .

(2) After section 66(5) insert—

“(5A) In Scotland, when any proceedings are brought under this section, in addition to the service on the defender of a copy of the summons or initial writ initiating the action a copy thereof shall be sent as soon as practicable to the Commission in a manner to be prescribed by Act of Sederunt.”.

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- 6 In section 72(4) (enforcement of sections 38 to 40) omit " an " in the last place where it occurs.
- 7 In section 75(2), after paragraph (d) insert—
“(e) any other form of assistance which the Commission may consider appropriate.”.
- 8 In section 76 (period within which proceedings to be brought)—
(a) in subsection (2), for the words from " the period " onwards substitute—
“(a) the period of six months beginning when the act complained of was done ; or
(b) in a case to which section 66(5) applies, the period of eight months so beginning.”;
(b) for subsection (3) substitute—
“(3) An industrial tribunal, county court or sheriff court shall not consider an application under section 72(2)(a) unless it is made before the end of the period of six months beginning when the act to which it relates was done ; and a county court or sheriff court shall not consider an application under section 72(4) unless it is made before the end of the period of five years so beginning.”.
- 9 For paragraph 15 of Schedule 3 (accounts) substitute—
“15 (1) The accounting year of the Commission shall be the twelve months ending on 31st March.
(2) It shall be the duty of the Commission—
(a) to keep proper accounts and proper records in relation to the accounts ;
(b) to prepare in respect of each accounting year a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury ; and
(c) to send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of the month of November next following the accounting year to which the statement relates.
(3) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this Schedule and shall lay copies of each statement and of his report before each House of Parliament.”.

SCHEDULE 5

Section 79.

REPEALS

Chapter	Short Title	Extent of Repeal
1965 c. 73.	Race Relations Act 1965.	The whole Act, so far as unrepealed.
1968 c. 71.	Race Relations Act 1968.	The whole Act.

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Chapter	Short Title	Extent of Repeal
1972 c. 11.	Superannuation Act 1972.	In Schedule 1, the words " Race Relations Board ".
1973 c. 50.	Employment and Training Act 1973.	In Schedule 3, paragraph 10.
1974 c. 52.	Trade Union and Labour Relations Act 1974.	In Schedule 1, paragraph 28.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the words " The Community Relations Commission " and the entry beginning " The Race Relations Board ".
1975 c. 25.	Northern Ireland Assembly Disqualification Act 1975.	In Part II of Schedule 1, the entry beginning " The Race Relations Board ".
1975 c. 65.	Sex Discrimination Act 1975.	In section 72(4) the word " an ", in the last place where it occurs.
1975 c. 71.	Employment Protection Act 1975.	In Part III of Schedule 16, paragraph 28.