



Local Government Act 1988

1988 CHAPTER 9

PART II

PUBLIC SUPPLY OR WORKS CONTRACTS

18 Race relations matters

- (1) Except to the extent permitted by subsection (2) below, section 71 of the Race Relations Act 1976 (local authorities to have regard to need to eliminate unlawful racial discrimination and promote equality of opportunity, and good relations, between persons of different racial groups) shall not require or authorise a local authority to exercise any function regulated by section 17 above by reference to a non-commercial matter.
- (2) Subject to subsection (3) below, nothing in section 17 above shall preclude a local authority from—
 - (a) asking approved questions seeking information or undertakings relating to workforce matters and considering the responses to them, or
 - (b) including in a draft contract or draft tender for a contract terms or provisions relating to workforce matters and considering the responses to them,if, as the case may be, consideration of the information, the giving of the undertaking or the inclusion of the term is reasonably necessary to secure compliance with the said section 71.
- (3) Subsection (2) above does not apply to the function of terminating a subsisting contract and, in relation to functions as respects approved lists or proposed contracts, does not authorise questions in other than written form.
- (4) Where it is permissible under subsection (2) above to ask a question it is also permissible to make, if it is in writing, an approved request for evidence in support of an answer to the question.
- (5) The Secretary of State may specify—
 - (a) questions which are to be approved questions for the purposes of this section; and

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- (b) descriptions of evidence which, in relation to approved questions, are to be approved descriptions of evidence for those purposes;
and the powers conferred by this subsection shall be exercised in writing.
- (6) Any specification under subsection (5) above may include such consequential or transitional provisions as appear to the Secretary of State to be necessary or expedient.
- (7) In this section—
“approved question” means a question for the time being specified by the Secretary of State under subsection (5) above;
“approved request for evidence” means a request for evidence of a description for the time being specified by the Secretary of State under that subsection in relation to an approved question;
“workforce matters” means matters falling within paragraph (a), but no other paragraph, of subsection (5) of section 17 above;
and any expression used in this section and section 17 above has the same meaning in this section as in that section.