

SCHEDULES

SCHEDULE 1

Section 2(2).

BODIES AND OTHER PERSONS SUBJECT TO GENERAL STATUTORY DUTY.

The following Schedule is inserted into the 1976 Act after Schedule 1—

“SCHEDULE 1A

BODIES AND OTHER PERSONS SUBJECT TO GENERAL STATUTORY DUTY

Ministers of the Crown and government departments

- 1 (1) A Minister of the Crown or government department.
- (2) Sub-paragraph (1) does not include the Security Service, the Intelligence Service or the Government Communications Headquarters.

Scottish Administration

- 2 (1) An office-holder in the Scottish Administration within the meaning given by section 126(7)(a) of the Scotland Act 1998.
- (2) Members of the staff of the Scottish Administration within the meaning given by section 126(7)(b) of that Act.

National Assembly for Wales

- 3 (1) The National Assembly for Wales.
- (2) An Assembly subsidiary as defined by section 99(4) of the Government of Wales Act 1998.

Armed forces

- 4 Any of the naval, military or air forces of the Crown.

National Health Service: England and Wales

- 5 A Health Authority established under section 8 of the National Health Service Act 1977.
- 6 A special health authority established under section 11 of that Act.
- 7 A primary care trust established under section 16A of that Act.
- 8 A National Health Service trust established under section 5 of the National Health Service and Community Care Act 1990.

Status: This is the original version (as it was originally enacted).

National Health Service: Scotland

- 9 A Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978.
- 10 A Special Health Board constituted under section 2 of that Act.
- 11 A National Health Service Trust established under section 12A of that Act.

Local government

- 12 A local authority within the meaning of the Local Government Act 1972, namely—
 (a) in England, a county council, a London borough council, a district council or a parish council;
 (b) in Wales, a county council, a county borough council or a community council.
- 13 A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.
- 14 A community council established under section 51 of the Local Government (Scotland) Act 1973.
- 15 The Greater London Authority.
- 16 The Common Council of the City of London in its capacity as a local authority or port health authority.
- 17 The Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple, in his capacity as a local authority.
- 18 The Council of the Isles of Scilly.
- 19 A parish meeting constituted under section 13 of the Local Government Act 1972.
- 20 Any charter trustees constituted under section 246 of that Act.
- 21 A fire authority constituted by a combination scheme under section 5 or 6 of the Fire Services Act 1947.
- 22 A waste disposal authority established by virtue of an order under section 10(1) of the Local Government Act 1985.
- 23 A water or sewerage authority constituted under section 62 of the Local Government etc. (Scotland) Act 1994.
- 24 A port health authority constituted by an order under section 2 of the Public Health (Control of Disease) Act 1984.
- 25 A licensing planning committee constituted under section 119 of the Licensing Act 1964.
- 26 A licensing board constituted under section 1 of the Licensing (Scotland) Act 1976.
- 27 An internal drainage board which is continued in being by virtue of section 1 of the Land Drainage Act 1991.
- 28 A probation committee constituted under section 3 of the Probation Service Act 1993.
- 29 A joint authority established under Part IV of the Local Government Act 1985 (fire services, civil defence and transport).

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- 30 A joint board within the meaning of section 235(1) of the Local Government (Scotland) Act 1973.
- 31 The London Fire and Emergency Planning Authority.
- 32 A body corporate established pursuant to an order under section 67 of the Local Government Act 1985 (transfer of functions to successors of residuary bodies, etc.).
- 33 A body corporate established pursuant to an order under section 22 of the Local Government Act 1992 (residuary bodies).
- 34 The Broads Authority established by section 1 of the Norfolk and Suffolk Broads Act 1988.
- 35 A joint committee constituted in accordance with section 102(1)(b) of the Local Government Act 1972.
- 36 A joint board which is continued in being by virtue of section 263(1) of that Act.
- 37 A joint authority established under section 21 of the Local Government Act 1992.
- 38 A Passenger Transport Executive for a passenger transport area within the meaning of Part II of the Transport Act 1968.
- 39 Transport for London.
- 40 The London Development Agency.
- 41 A regional development agency established under the Regional Development Agencies Act 1998 (other than the London Development Agency).
- 42 Scottish Enterprise and Highland and Islands Enterprise, established under the Enterprise and New Towns (Scotland) Act 1990.
- 43 A National Park authority established by an order under section 63 of the Environment Act 1995.
- 44 A joint planning board constituted for an area in Wales outside a National Park by an order under section 2(1B) of the Town and Country Planning Act 1990.
- 45 A magistrates' courts committee established under section 27 of the Justices of the Peace Act 1997.

Other educational bodies

- 46 Governing bodies of—
- (a) educational establishments maintained by local education authorities;
 - (b) institutions within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992); or
 - (c) institutions within the higher education sector (within the meaning of section 91(5) of the Act of 1992).
- 47 The managers of a grant-aided school (within the meaning of section 135 of the Education (Scotland) Act 1980).
- 48 The managers of a central institution (within the meaning of section 135 of the Act of 1980).
- 49 The board of management of a self-governing school (within the meaning of the Self-Governing Schools etc. (Scotland) Act 1989).

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- 50 The board of management of a college of further education (within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992).
- 51 The governing body of an institution within the higher education sector (within the meaning of Part II of the Further and Higher Education (Scotland) Act 1992).

Other housing bodies

- 52 The Housing Corporation.
- 53 Scottish Homes.
- 54 A housing action trust established under Part III of the Housing Act 1988.

Police

- 55 A police authority established under section 3 of the Police Act 1996.
- 56 A police authority established under section 2 of the Police (Scotland) Act 1967.
- 57 The Metropolitan Police Authority established under section 5B of the Police Act 1996.
- 58 The Common Council of the City of London in its capacity as a police authority.
- 59 The Service Authority for the National Criminal Intelligence Service.
- 60 The Service Authority for the National Crime Squad.”

SCHEDULE 2

Section 9(1).

CONSEQUENTIAL AMENDMENTS

Race Relations Act 1976 (c. 74)

- 1 In section 17 of the 1976 Act (prohibition on discrimination by certain education bodies), in the Table—
- (a) in paragraph 7 for “73(c) or (d)” there is substituted “73(d)”; and
- (b) after paragraph 7 there is inserted—
-
- “7AA. A grant-aided school, within The managers of the school.”
the meaning of section 135 of the
Education (Scotland) Act 1980.
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- 2 In section 27(1) of the 1976 Act (extent of Part III), for “19” there is substituted “18D”.
- 3 After section 27(1) of that Act, there is inserted—
- “(1A) In its application in relation to granting entry clearance (within the meaning of the Immigration Act 1971) section 19B applies in relation to acts done outside the United Kingdom, as well as those done within Great Britain.”
- 4 In section 53(1) of that Act (restriction of proceedings for breach of Act), after first “Act” there is inserted “or the Special Immigration Appeals Commission Act 1997 or Part IV of the Immigration and Asylum Act 1999”.

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- 5 After section 53(3) of that Act (judicial review to be available for government appointments outside the employment field), there is added—
- “(4) Subsections (2) and (3) do not, except so far as provided by section 76, apply to any act which is unlawful by virtue of section 76(5) or (9) or by virtue of section 76(10)(b) and (11).”
- 6 In section 57(5) of that Act (claims under Part III in relation to certain educational bodies)—
- (a) for the words “section 19(1)” there is substituted “subsection (5A)”; and
- (b) the words from “and” to the end of the subsection are omitted.
- 7 After section 57(5) of that Act, there is inserted—
- “(5A) This subsection applies to—
- (a) local education authorities in England and Wales;
- (b) education authorities in Scotland; and
- (c) any body which is a responsible body in relation to an establishment falling within paragraph 3, 3B or 7B of the table in section 17.”
- 8 In section 59(1)(b) of that Act (appeal against non-discrimination notice), after “the court” there is inserted “(ignoring section 57A)”.
- 9 In section 62(1) of that Act (persistent discrimination), after “or” at the end of paragraph (b) there is inserted—
- “(ba) a finding under the Special Immigration Appeals Commission Act 1997 or Part IV of the Immigration and Asylum Act 1999 that he has done an act which was unlawful by virtue of section 19B; or”.
- 10 After section 65(6) of that Act (help for aggrieved persons in obtaining information etc.), there is added—
- “(7) This section does not apply in relation to any proceedings under—
- (a) the Special Immigration Appeals Commission Act 1997; or
- (b) Part IV of the Immigration and Asylum Act 1999.”
- 11 After section 66(7) of that Act (assistance by Commission), there is added—
- “(8) This section (except for subsection (4)) applies to proceedings or prospective proceedings under the Special Immigration Appeals Commission Act 1997 or Part IV of the Immigration and Asylum Act 1999 so far as they relate to acts which may be unlawful by virtue of section 19B as it applies to proceedings or prospective proceedings under this Act.
- (9) In this section as it applies by virtue of subsection (8) “rules and regulations” means—
- (a) in relation to proceedings under the Act of 1997, rules under section 5 or 8 of that Act;
- (b) in relation to proceedings under Part IV of the Act of 1999, rules under paragraph 3 or 4 of Schedule 4 to that Act.”
- 12 After section 67(3) of that Act (extension of jurisdiction of county courts and sheriff courts), there is inserted—
- “(3A) A designated county court or a sheriff court shall have jurisdiction to entertain proceedings under this Act with respect to an act done outside the

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- United Kingdom where section 19B applies in relation to such an act by virtue of section 27(1A).”
- 13 In section 68(2) of that Act (period within which proceedings to be brought), at the beginning there is inserted “Subject to subsection (2A)”.
- 14 After section 68(2) of that Act, there is inserted—
- “(2A) In relation to an immigration claim within the meaning of section 57A, the period of six months mentioned in subsection (2)(a) begins on the expiry of the period during which, by virtue of section 57A(1)(a), no proceedings may be brought under section 57(1) in respect of the claim.”
- 15 In section 69(2) of that Act (evidence), after “Act” there is inserted “or any enactment mentioned in section 19D(5)”.
- 16 In section 73(1)(b) of that Act (power to amend certain provisions of Act), after “or (2),” there is inserted “19B,”.
- 17 After section 75(2) of that Act (application to Crown etc.), there is inserted—
- “(2A) Subsections (1) and (2) do not apply in relation to the provisions mentioned in subsection (2B).
- (2B) Sections 19B to 19F, sections 71 to 71E (including Schedule 1A) and section 76 bind the Crown; and the other provisions of this Act so far as they relate to those provisions shall be construed accordingly (including, in particular, references to employment in Part IV).”
- 18 In section 75(3) of that Act—
- (a) for “and (2)” there is substituted “to (2B)”; and
- (b) for “section 16” there is substituted “sections 76A and 76B”.
- 19 In section 78(1) of that Act (general interpretation provisions), at the appropriate places, there are inserted—
- ““body” includes an unincorporated association;”
- ““criminal investigation” has the meaning given by section 57(4B);” and
- ““criminal proceedings” includes—
- (a) proceedings on dealing summarily with a charge under the Army Act 1955 or the Air Force Act 1955 or on summary trial under the Naval Discipline Act 1957;
- (b) proceedings before a summary appeal court constituted under any of those Acts;
- (c) proceedings before a court-martial constituted under any of those Acts or a disciplinary court constituted under section 52G of the Act of 1957;
- (d) proceedings before the Courts-Martial Appeal Court; and
- (e) proceedings before a Standing Civilian Court;”.

Local Government Act 1988 (c. 9)

- 20 In section 18(1) of the Local Government Act 1988 (race relations matters)—

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- (a) for the words from “71” to “regard to” there is substituted “71(1) of the Race Relations Act 1976 and any duty imposed by an order under section 71(2) of that Act (duties relating to the”;
 - (b) for “local authority” there is substituted “public authority to which section 17 above applies”.
- 21 In section 18(2) of that Act—
- (a) for “local authority” there is substituted “public authority to which that section applies”;
 - (b) for “71” there is substituted “71(1) or any duty imposed by an order under the said section 71(2)”.
- 22 Section 18(7A) of that Act is omitted.
- Special Immigration Appeals Commission Act 1997 (c. 68)*
- 23 In section 2A(1) of the Special Immigration Appeals Commission Act 1997 (jurisdiction: human rights), after “appealable decision,” there is inserted “racially discriminated against him or”.
- 24 In section 2A(2) of that Act, after “this section,” there is inserted “—
- (a) an authority racially discriminates against a person if he acts, or fails to act, in relation to that other person in a way which is unlawful by virtue of section 19B of the Race Relations Act 1976; and
 - (b)”.
- 25 In section 2A(3) of that Act, after “the proceedings,” there is inserted “racially discriminated against the appellant or”.
- 26 In section 2A(5) of that Act—
- (a) after “concerned” there is inserted “—
 - (a) racially discriminated against the appellant; or
 - (b)”;
 - and
 - (b) for “that ground” there is substituted “the ground in question”.
- 27 In the side note to section 2A of that Act, after “Jurisdiction:” there is inserted “racial discrimination and”.
- 28 In section 5 of that Act (procedure in relation to jurisdiction under section 2 of that Act etc.)—
- (a) in subsection (1)(a) after “2” there is inserted “or 2A”;
 - (b) in subsection (1)(b) for “that section” there is substituted “section 2 or 2A above”;
 - (c) in subsection (2) after “2” there is inserted “or 2A”.
- 29 In Schedule 2 to that Act (appeals: supplementary)—
- (a) in paragraph 4 after “2” there is inserted “or 2A”;
 - (b) in paragraphs 6 and 7 after “2” there is inserted “and 2A”.
- School Standards and Framework Act 1998 (c. 31)*
- 30 In paragraph 8(b) of Schedule 4 to the School Standards and Framework Act 1998 (school organisation committees to have regard to certain obligations owed by local

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education authorities and governing bodies under the Race Relations Act 1976), after “Part III” there shall be inserted “or section 71”.

- 31 In paragraph 6(b) of Schedule 5 to the Act of 1998 (adjudicators to have regard to certain obligations owed by local education authorities and governing bodies under the Race Relations Act 1976), after “Part III” there shall be inserted “or section 71”.

Immigration and Asylum Act 1999 (c. 33)

- 32 In section 65(3) of the Immigration and Asylum Act 1999 (acts made unlawful by section 6(1) of the Human Rights Act 1998), after “Kingdom,” there is inserted “racially discriminated against the appellant or”.

- 33 In section 65(5) of the Act of 1999—

(a) after “concerned” there is inserted “—

(a) racially discriminated against the appellant; or

(b)”;

and

(b) for “that ground” there is substituted “the ground in question”.

- 34 For the side-note to section 65 of that Act, there is substituted “Racial discrimination and breach of human rights.”

- 35 In section 72(2)(a) of that Act (miscellaneous limitations on rights of appeal), after “rights” there is inserted “or racially discriminated against him”.

- 36 In section 73(2) of that Act (limitation on further appeals), after “a claim that” there is inserted “in taking a decision, a decision-maker racially discriminated against the appellant or that”.

- 37 In section 74(7) of that Act (duty to disclose grounds for appeal etc.), after paragraph (a) there is inserted—

“(aa) if he claims that he was racially discriminated against, include notice of that claim;”.

- 38 In section 76(3)(a) of that Act (result of failure to give statement of additional grounds for appeal), for “breached the applicant's” there is substituted “racially discriminated against the applicant or breached his”.

- 39 In Schedule 4 to that Act (appeals), in paragraph 9(2) for the words “that the claim is one to which this paragraph applies” there is substituted “with the opinion expressed in the Secretary of State’s certificate”.

- 40 In that Schedule to that Act, after paragraph 9 there is inserted—

“Racial discrimination

- 9A (1) This paragraph applies to an appeal under Part IV of this Act by a person who claims that he has been racially discriminated against, if the Secretary of State has certified that, in his opinion, the claim is manifestly unfounded.
- (2) If, on an appeal to which this paragraph applies, the adjudicator agrees with the opinion expressed in the Secretary of State’s certificate, paragraph 22 does not confer on the appellant any right to appeal to the Immigration Appeal Tribunal.”

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SCHEDULE 3

Section 9(2).

REPEALS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1976 c. 74.	Race Relations Act 1976.	Section 16. Section 19. Section 19ZA. In section 57(5), the words from “and” to the end of the subsection. Section 58(6). In section 68, subsection (2) (b) and the word “or” immediately preceding it and, in subsection (3), the words “or, as the case may be, eight” and “or (b)”. In section 69, subsection (2) (b) and the word “or” immediately preceding it and subsection (2A).
1980 c. 44.	Education (Scotland) Act 1980.	In Schedule 4, paragraph 14.
1985 c. 51.	Local Government Act 1985.	In Schedule 13, paragraph 13(h). In Schedule 14, paragraph 54.
1985 c. 69.	Housing Associations Act 1985.	Section 75(5).
1988 c. 4.	Norfolk and Suffolk Broads Act 1988.	In Schedule 6, paragraph 16.
1988 c. 9.	Local Government Act 1988.	Section 18(7A).
1988 c. 40.	Education Reform Act 1988.	In Schedule 12, paragraphs 19 and 79.
1988 c. 43.	Housing (Scotland) Act 1988.	Section 2(11).
1988 c. 50.	Housing Act 1988.	Sections 56 and 63(5).
1989 c. 39.	Self-Governing Schools etc. (Scotland) Act 1989.	In Schedule 10, paragraph 6(3).
1992 c. 13.	Further and Higher Education Act 1992.	In Schedule 8, paragraph 88.
1992 c. 37.	Further and Higher Education (Scotland) Act 1992.	In Schedule 9, paragraph 5(4).

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1994 c. 19.	Local Government (Wales) Act 1994.	In Schedule 13, paragraph 20(g).
1994 c. 29.	Police and Magistrates' Courts Act 1994.	In Schedule 4, paragraph 51.
1994 c. 30.	Education Act 1994.	In Schedule 2, paragraph 6(4).
1994 c. 39.	Local Government etc. (Scotland) Act 1994.	In Schedule 13, paragraph 108.
1995 c. 25.	Environment Act 1995.	In Schedule 8, paragraph 8(4). In Schedule 10, paragraph 15(2).
1996 c. 16.	Police Act 1996.	In Schedule 7, paragraphs 1(2)(l) and 31.
1996 c. 56.	Education Act 1996.	In Schedule 37, paragraph 42 and, in paragraph 117(4), paragraph (b) and the word “and” immediately preceding it.
1997 c. 50.	Police Act 1997.	In Schedule 9, paragraphs 35 and 36.
1998 c. 38.	Government of Wales Act 1998.	In Schedule 16, paragraph 30.
1999 c. 26.	Employment Relations Act 1999.	In Schedule 8, paragraph 6.
1999 c. 29.	Greater London Authority Act 1999.	Section 391.
2000 c. 21.	Learning and Skills Act 2000.	In Schedule 9, paragraph 10.