
STATUTORY INSTRUMENTS

2003 No. 1626

The Race Relations Act 1976 (Amendment) Regulations 2003

Exception for genuine occupational requirement

7. After section 4 of the 1976 Act insert—

“Exception for genuine occupational requirement

4A.—(1) In relation to discrimination on grounds of race or ethnic or national origins—

- (a) section 4(1)(a) or (c) does not apply to any employment; and
- (b) section 4(2)(b) does not apply to promotion or transfer to, or training for, any employment; and
- (c) section 4(2)(c) does not apply to dismissal from any employment;

where subsection (2) applies.

(2) This subsection applies where, having regard to the nature of the employment or the context in which it is carried out—

- (a) being of a particular race or of particular ethnic or national origins is a genuine and determining occupational requirement;
- (b) it is proportionate to apply that requirement in the particular case; and
- (c) either—
 - (i) the person to whom that requirement is applied does not meet it, or
 - (ii) the employer is not satisfied, and in all the circumstances it is reasonable for him not to be satisfied, that that person meets it.”.