



# Race Relations Act 1968

## 1968 CHAPTER 71

### PART I

#### DISCRIMINATION

##### *General*

#### **1 Meaning of "discriminate".**

- (1) For the purposes of this Act a person discriminates against another if on the ground of colour, race or ethnic or national origins he treats that other, in any situation to which section 2, 3, 4 or 5 below applies, less favourably than he treats or would treat other persons, and in this Act references to discrimination are references to discrimination on any of those grounds.
- (2) It is hereby declared that for those purposes segregating a person from other persons on any of those grounds is treating him less favourably than they are treated.

##### *Unlawful discrimination*

#### **2 Provision of goods, facilities and services.**

- (1) It shall be unlawful for any person concerned with the provision to the public or a section of the public (whether on payment or otherwise) of any goods, facilities or services to discriminate against any person seeking to obtain or use those goods, facilities or services by refusing or deliberately omitting to provide him with any of them or to provide him with goods, services or facilities of the like quality, in the like manner and on the like terms in and on which the former normally makes them available to other members of the public.
- (2) The following are examples of the facilities and services mentioned in subsection (1) above, that is to say—

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access to and use of any place which members of the public are permitted to enter ;  
accommodation in a hotel, boarding house or other similar establishment;  
facilities by way of banking or insurance or for grants, loans, credit or finance ;  
facilities for education, instruction or training ;  
facilities for entertainment, recreation or refreshment;  
facilities for transport or travel;  
the services of any business, profession or trade or local or other public authority.

### **3 Employment.**

- (1) It shall be unlawful for an employer or any person concerned with the employment of others to discriminate against any other person—
  - (a) if that other person is seeking employment, by refusing or deliberately omitting to employ him on work of any description which is available and for which he is qualified;
  - (b) if that other person is employed or seeking employment on work of any description, by refusing or deliberately omitting to afford or offer him the like terms of employment, the like conditions of work and the like opportunities for training and promotion as the employer makes available for persons of the like qualifications employed in like circumstances on work of that description;  
or
  - (c) if that other person is employed on work of any description, by dismissing him in circumstances in which other persons employed on work of that description by the employer are not, or would not be, dismissed.
- (2) The provisions of this section shall not affect the provisions of any enactment relating to the employment or qualification for employment of persons or of any instrument so relating made under any enactment, or any condition or requirement so relating imposed by virtue of any enactment, or render unlawful anything done in pursuance of any such provision, condition or requirement.

### **4 Trade unions, and employers' and trade organisations.**

- (1) It shall be unlawful for an organisation to which this section applies or any person concerned with the affairs of such an organisation—
  - (a) to discriminate against a person who is not a member of the organisation by refusing or deliberately omitting to admit him to membership of the organisation on the like terms as other persons applying for membership;
  - (b) to discriminate against a member of the organisation by refusing or deliberately omitting to accord him the same benefits as are accorded to other members thereof, or to take the like action on his behalf as is taken on behalf of other members, or by expelling him from the organisation.
- (2) This section applies to organisations of employers or workers or other organisations concerned with the carrying on of trades, businesses, professions or occupations.

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## **5 Housing accommodation, and business and other premises.**

It shall be unlawful for any person having power to dispose, or being otherwise concerned with the disposal, of housing accommodation, business premises or other land to discriminate—

- (a) against any person seeking to acquire any such accommodation, premises or other land by refusing or deliberately omitting to dispose of it to him, or to dispose of it to him on the like terms and in the like circumstances as in the case of other persons ;
- (b) against any person occupying any such accommodation, premises or other land, by deliberately treating him differently from other such occupiers in the like circumstances ; or
- (c) against any person in need of any such accommodation, premises or other land by deliberately treating that other person differently from others in respect of any list of persons in need of it.

## **6 Advertisements and notices.**

- (1) It shall be unlawful for any person to publish or display, or to cause to be published or displayed, any advertisement or notice which indicates, or which could reasonably be understood as indicating, an intention to do an act of discrimination, whether or not it would be unlawful by virtue of any other provision of this Act.
- (2) Subsection (1) above shall not render unlawful the publication or display, or causing the publication or display, of an advertisement or notice which indicates that Commonwealth citizens or any class of such citizens are required for employment outside Great Britain or that persons other than such citizens are required for employment in Great Britain.

*Acts which are not unlawful*

## **7 Exception in the case of residential accommodation.**

- (1) It shall not be unlawful by virtue of section 2 or 5 of this Act to discriminate against any person with respect to the provision or disposal of any residential accommodation in any premises if at the time of the disposal—
  - (a) the premises are treated for the purposes of this subsection as small premises ; and
  - (b) the person having power to provide or dispose of the accommodation (in this subsection and subsection (2) below referred to as " the landlord ") resides and intends to continue to reside on the premises; and
  - (c) there is on the premises, in addition to the accommodation occupied by the landlord, relevant accommodation shared by him with other persons residing on the premises who are not members of his household.
- (2) Premises shall be treated for the purposes of subsection (1) above as small premises if—
  - (a) in the case of premises comprising residential accommodation for one or more households (under separate letting or similar agreements) in addition to the accommodation occupied by the landlord, there is not normally residential accommodation for more than two such households and only the landlord and any member of his household reside in the accommodation occupied by him;

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- (b) in the case of premises not falling within paragraph (a) above, there is not normally residential accommodation on the premises for more than six persons in addition to the landlord and any members of his household.
- (3) During the two years beginning with the commencement of this Act, subsection (2) (b) above shall have effect as if for the reference to six persons there were substituted a reference to twelve persons.
- (4) In the foregoing provisions of this section any reference to a person having power to provide or dispose of any accommodation or to the landlord shall be construed as including a reference to any member of his family; and for the purposes of this subsection a person is a member of another's family if that person is—
  - (a) the other's wife or husband ; or
  - (b) a son or daughter or a son-in-law or daughter-in-law of the other, or of the other's wife or husband; or
  - (c) the father or mother of the other, or of the other's wife or husband.

In paragraph (b) above any reference to a person's son or daughter includes a reference to any step-son or step-daughter, any illegitimate son or daughter, and any adopted son or daughter, of that person, and " son-in-law " and " daughter-in-law " shall be construed accordingly.

- (5) In the foregoing provisions of this section " residential accommodation " includes accommodation in a hotel, boarding house or other similar establishment and " relevant accommodation " means any accommodation other than storage accommodation and means of access.
- (6) It shall not be unlawful by virtue of section 2 above to discriminate against any person in respect of the provision of sleeping cabins for passengers on a ship if compliance with that section in that respect would result in persons of different colour, race or ethnic or national origins being compelled to share any such cabin.
- (7) It shall not be unlawful by virtue of section 5 above for any person to discriminate against another with respect to the disposal by the former of his interest in any premises owned and wholly occupied by him unless he uses the services of an estate agent for the purposes of the disposal, or publishes or displays, or causes the publication or display, of an advertisement or notice in connection with the disposal.
- (8) For the purposes of subsection (7) above a person shall be taken to own premises if the fee simple or a lease of the premises is vested in him, and in that subsection " estate agent " means a person who in connection with the disposal of an interest in land does any of the following acts in the course of a trade, business or profession, that is to say, he brings together or takes steps to bring together the person proposing to dispose of the interest and the prospective purchaser thereof, or acts as an auctioneer.

In the application of this subsection to Scotland " fee simple " means the estate or interest of the proprietor of the dominium utile.

## **8 Exceptions in the case of employment.**

- (1) Sections 2 and 3 above shall not apply—
  - (a) during the two years beginning with the commencement of this Act, to employment with an employer who employs not more than twenty-five persons in addition to any employed for the purposes of his private household ;

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- (b) during the two years following those two years, to employment with an employer who employs not more than ten persons in addition to any employed for the purposes of his private household.
- (2) It shall not be unlawful by virtue of either of those sections to discriminate against any person with respect to the engagement for employment in, or the selection for work within, an undertaking or part of an undertaking if the act is done in good faith for the purpose of securing or preserving a reasonable balance of persons of different racial groups employed in the undertaking or that part of the undertaking, as the case may be.
  - (3) In determining for the purposes of subsection (2) above whether a balance is reasonable regard shall be had to all the circumstances and, in particular, to the proportion of persons employed in those groups in the undertaking or part of the undertaking, as the case may be, and to the extent, if any, to which the employer engages, with respect to employment in the undertaking or part of the undertaking, as the case may be, in discrimination of any kind which is unlawful by virtue of this Part of this Act.
  - (4) In subsection (2) above " racial group " means a group of persons defined by reference to colour, race or ethnic or national origins and for the purposes of that subsection persons wholly or mainly educated in Great Britain shall be treated as members of the same racial group.
  - (5) The Secretary of State may, if it appears to him expedient to do so, by order repeal subsections (2) to (4) above, but no such order shall be made unless a draft of the order has been laid before Parliament and approved by each House of Parliament.
  - (6) Those sections shall not apply to the employment of any person for the purposes of a private household.
  - (7) Those sections shall not apply to any employment which is, or an application for any employment which is to be,—
    - (a) wholly or mainly in a country outside Great Britain ;
    - (b) wholly on a British ship or aircraft outside Great Britain; or
    - (c) wholly or mainly on a ship or aircraft outside Great Britain other than a British ship or aircraft;notwithstanding that the person employed or seeking employment was engaged or applied for it in Great Britain.
  - (8) Without prejudice to subsection (7) above, sections 2 and 3 above shall not apply to the employment or an application for the employment of a person on a ship or aircraft if the person employed or seeking employment was engaged or applied for it outside Great Britain.
  - (9) For the purposes of subsection (8) above a person brought to Great Britain with a view to his entering into an agreement in Great Britain to be employed on any ship or aircraft shall be treated as engaged for or seeking the employment outside Great Britain.
  - (10) It shall not be unlawful by virtue of section 2 or 3 above to discriminate against any person in respect of employment on a ship, if compliance with either of those sections in that respect would result in persons of different colour, race or ethnic or national origins being compelled to share sleeping rooms, mess rooms or sanitary accommodation.

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- (11) Section 3 above shall not render unlawful the selection of a person of a particular nationality or particular descent for employment requiring attributes especially possessed by persons of that nationality or descent.

## **9 Charities and acts done for charitable purposes.**

- (1) Nothing in this Part of this Act shall—
- (a) be construed as affecting a provision which is contained in a future charitable instrument and confers benefits on persons of a particular race, particular descent or particular ethnic or national origins ; or
  - (b) render unlawful an act which is done in order to comply with any such provision or with the provisions of any existing charitable instrument of any description.
- (2) In this section " charitable instrument " means an enactment passed or instrument made for purposes which are exclusively charitable according to the law of England and Wales and " future instrument " and " existing instrument " mean respectively an instrument taking effect after, and an instrument taking effect, before the commencement of this Act.

## **10 Acts done to safeguard national security.**

- (1) Nothing in this Part of this Act shall render unlawful an act which is done for the purpose of safeguarding national security.
- (2) A certificate purporting to be signed by or on behalf of a Minister of the Crown and certifying that an act specified in the certificate was done for the purpose aforesaid shall be conclusive evidence that it was done for that purpose.

## **11 Conduct relating to acts abroad.**

- (1) This Part of this Act shall not render unlawful—
- (a) any refusal or omission—
    - (i) to provide goods, services or facilities, other than travel facilities, outside Great Britain elsewhere than on a British ship or aircraft;
    - (ii) to provide any banking, financial or insurance facilities for a purpose to be carried out, or in connection with risks wholly or mainly arising, outside Great Britain; or
    - (iii) to dispose of land outside Great Britain ;
  - (b) any contract or term therein the main object of which is to do any act mentioned in paragraph (a)(i), (ii) or (iii) above;
- notwithstanding that the refusal or omission occurred or the contract was made in Great Britain or on a British ship or aircraft.
- (2) This Part of this Act shall not render unlawful an act done on a British ship while in the national waters or territorial waters of a country outside Great Britain, or on a British aircraft while in, or in flight over, such a country (or its territorial waters) if the act was done for the purpose of complying with the laws of that country.

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### *Supplemental*

#### **12 Incitement and accessories.**

Any person who deliberately aids, induces or incites another person to do an act which is unlawful by virtue of any provision of this Part of this Act shall be treated for the purposes of this Act as doing that act.

#### **13 Liability of employers, principals and agents.**

- (1) Anything done by a person in the course of his employment shall be treated for the purposes of this Act as done by his employer as well as by him, whether or not it was done with the employer's knowledge or approval.
- (2) Anything done by a person as agent for another person with the authority (whether express or implied and whether precedent or subsequent) of that other person shall be treated for the purposes of this Act as done by that other person as well as by him.
- (3) In proceedings brought under section 19 or 20 of this Act against any person in respect of an act alleged to have been done by an employee of his it shall be a defence for that person to prove that he took such steps as were reasonably practicable to prevent the employee from doing in the course of his employment acts of the same description as that act.