



# Race Relations Act 1968

## 1968 CHAPTER 71

### PART II

#### CONCILIATION AND ENFORCEMENT

##### *Consideration of Complaints*

#### **14 The Race Relations Board and conciliation committees.**

- (1) There shall continue to be a Board known as the Race Relations Board constituted in accordance with this section instead of section 2(1) of the Race Relations Act 1965 and having the function of securing compliance with the provisions of Part I of this Act and the resolution of differences arising out of any of those provisions.
- (2) The Race Relations Board shall consist of a chairman and not more than eleven other members appointed by the Secretary of State.
- (3) The Board shall discharge their functions in accordance with arrangements made by the Board and approved by the Secretary of State.
- (4) The said arrangements may provide for the discharge under the general direction of the Board of the Board's functions in relation to any complaint or other matter falling to be dealt with by them, or in relation to any class of such matters, by a group of members of the Board selected by the chairman of the Board; and where any such functions are in accordance with such arrangements to be discharged by a group of members of the Board, anything done by or in relation to the group in or in connection with the discharge of those functions shall have the same effect as if done by or in relation to the Board.
- (5) The Board shall constitute committees, to be known as conciliation committees, for such areas as the Board consider necessary for the purpose of assisting the Board in the discharge of their functions.
- (6) The provisions of Schedule 1 to this Act shall have effect with respect to the Board and the conciliation committees.

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- (7) A conciliation committee shall make to the Board such periodical reports with respect to the exercise of their functions as the Board may require, and the Board shall, at such times as the Secretary of State may direct, make annual reports to the Secretary of State with respect to the exercise of their functions; and the Secretary of State shall lay before Parliament any report made to him under this subsection.

## **15 General provision as to investigation of complaints of discrimination.**

- (1) This section applies to any complaint made to the Race Relations Board or a conciliation committee that an act has been done which is unlawful by virtue of any provision of Part I of this Act, except an act mentioned in section 16 below, and any reference in the following provisions of this section to a complaint shall be construed accordingly.
- (2) It shall be the duty of the Board or a conciliation committee to receive any complaint which is made to them within two months of the act complained of and also, if the Board think that special circumstances warrant its reception, any complaint made to them or a conciliation committee after the expiration of that period, if in either case the complaint is accompanied by the name and address of the person by whom it is made and, in the case of an act of discrimination against any person, it is made by him or with his written authority, and—
- (a) the Board may refer any complaint received by them to a conciliation committee or may direct such a committee to refer to the Board a particular complaint received by the committee or a complaint of any class so received; and
  - (b) the Board and any conciliation committee shall respectively investigate any complaint received by them and not referred to the other and any complaint referred to them.
- (3) In investigating any complaint the Board or a conciliation committee—
- (a) shall make such inquiries as they think necessary with regard to the facts alleged in the complaint and form an opinion whether any person has done any act which is unlawful by virtue of any provision of Part I of this Act; and
  - (b) in the case of a complaint that the act was one of discrimination against a particular person, shall use their best endeavours by communication with the parties concerned or otherwise to secure a settlement of any difference between them and, where appropriate, a satisfactory written assurance against any repetition of the act considered to be unlawful or the doing of further acts of a similar kind by the party against whom the complaint is made ; and
  - (c) in the case of any other complaint, shall, where appropriate, use their best endeavours to secure such an assurance as aforesaid.
- (4) If on investigating a complaint the Board form the opinion that an act has been done which is unlawful by virtue of any provision of Part I of this Act and either they are unable to secure such a settlement and assurance, or, as the case may be, such an assurance, as aforesaid, or it appears to them that the act was done in breach of a relevant assurance, they shall determine whether or not to bring proceedings under section 19 or 20 of this Act.
- (5) If on investigating a complaint a conciliation committee form the opinion that any such act as aforesaid has been done and either they are unable to secure such a settlement and assurance, or, as the case may be, such an assurance, as aforesaid, or it appears to

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them that the act was done in breach of a relevant assurance, they shall make a report to that effect to the Race Relations Board and the Board shall consider the report and shall either investigate the complaint themselves or, without investigating it, determine whether or not to bring proceedings under section 19 or 20 of this Act.

- (6) Where the Board or a conciliation committee investigate a complaint under subsection (2) or (5) above they shall on completing the investigation give a written notification to the parties stating—
  - (a) whether or not they have been able to form an opinion with respect to the complaint and, if they have, what opinion;
  - (b) whether or not they have secured such a settlement and assurance or, as the case may be, such an assurance as are mentioned in subsection (3) above; and
  - (c) what action, if any, they propose to take in the matter.
- (7) Where the Board come to a determination under subsection (5) above without investigating a complaint, they shall give the parties a written notification of their determination stating what action, if any, they propose to take in the matter.

## **16 Investigation of complaints relating to employment, trade unions and organisations of employers.**

- (1) The provisions of Schedule 2 to this Act shall have effect with respect to any complaint made to the Secretary of State for Employment and Productivity, the Race Relations Board or a conciliation committee that an act has been done which is unlawful by virtue of any provision of Part I of this Act and is an act of discrimination with respect to employment or to membership of, or services or facilities provided by, an organisation of employers or workers or an act of aiding, inducing or inciting the doing of such an act of discrimination.
- (2) A Secretary of State may make regulations amending or repealing any provision of the said Schedule 2, but no regulations shall be made under this subsection unless a draft of the regulations has been laid before Parliament and approved by each House of Parliament.

## **17 Investigation of unlawful conduct where no complaint made.**

- (1) If the Race Relations Board have reason to suspect, in consequence of an allegation made by any person that he has been discriminated against in contravention of any provision of Part I of this Act or for any other cause, that during the two months preceding the day on which the matter first comes to their notice, or such longer period as the Board may in special circumstances allow, an act has been done which is unlawful by virtue of any such provision, but no complaint has been made to them, to the Secretary of State for Employment and Productivity or to a conciliation committee or any complaint so made has been withdrawn, the Board may investigate the matter or refer it for investigation,—
  - (a) in the case of an investigation not relating to an act mentioned in section 16 above, in accordance with Part I of Schedule 3 to this Act; and
  - (b) in the case of an investigation relating to such an act, in accordance with Part II of that Schedule.
- (2) A Secretary of State may make regulations amending or repealing any provision of Part II of that Schedule, but no regulations shall be made under this subsection unless

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a draft of the regulations has been laid before Parliament and approved by each House of Parliament.

**18 Assessors.**

The Race Relations Board may appoint as assessors to assist the Board or any conciliation committee in their investigation of any complaint or other matter persons appearing to the Board to have special knowledge and experience of the circumstances in which the act to which the investigation relates is alleged to have occurred and of any other circumstances appearing to the Board to be relevant.