



Race Relations Act 1968

1968 CHAPTER 71

PART III

MISCELLANEOUS AND GENERAL

25 The Community Relations Commission.

- (1) There shall be constituted a Commission to be known as the Community Relations Commission consisting of a chairman and not more than eleven other members appointed by the Secretary of State.
- (2) The provisions of Schedule 4 to this Act shall have effect with respect to the Commission.
- (3) It shall be the duty of the Commission—
 - (a) to encourage the establishment of, and assist others to take steps to secure the establishment of, harmonious community relations and to co-ordinate on a national basis the measures adopted for that purpose by others ; and
 - (b) to advise the Secretary of State on any matter referred to the Commission by him and to make recommendations to him on any matter which the Commission consider should be brought to his attention.
- (4) For the purpose of discharging their functions under subsection (3) (a) above the Commission may—
 - (a) establish services for giving advice on community relations to local authorities and other local organisations concerned therewith and for collecting information with respect to community relations ;
 - (b) provide courses of training in connection with community relations; and
 - (c) arrange or promote the holding of conferences on matters connected with community relations.
- (5) Without prejudice to subsection (3) above, the Commission may—

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- (a) subject to subsection (6) below, give financial assistance to any local organisations appearing to the Commission to be concerned with community relations ;
 - (b) with the approval of the Secretary of State, appoint advisory committees for the purpose of such of their functions as the Commission think fit.
- (6) The Commission shall not give any financial assistance under subsection (5)(a) above out of moneys provided by Parliament except with the approval of the Secretary of State and the consent of the Treasury.
- (7) The Commission shall, at such times as the Secretary of State may direct, make annual reports to him with respect to the exercising of their functions; and the Secretary of State shall lay any such report before Parliament.

26 **Research.**

- (1) The Secretary of State may conduct or assist in conducting research into any matter connected with relations between people of different colour, race or ethnic or national origins.
- (2) Any expenses incurred by the Secretary of State with the consent of the Treasury for the purposes of his functions under this section shall be defrayed out of moneys provided by Parliament.

27 **Application to the Crown, the police and public bodies.**

- (1) This Act binds the Crown.
- (2) The provisions of Parts II to IV of the Crown Proceedings Act 1947 shall apply to proceedings against the Crown under section 19 above as they apply to proceedings in England and Wales which by virtue of section 23 of that Act are treated for the purposes of Part II of that Act as civil proceedings by or against the Crown, except that in their application to proceedings under the said section 19—
 - (a) section 20 of that Act (removal of proceedings from county court to High Court) shall not apply; and
 - (b) section 28 of that Act (discovery) shall have effect subject to section 24 of this Act;

and any restriction in the said provisions on the bringing of proceedings in tort shall apply to proceedings against the Crown under the said section 19.
- (3) The provisions of Parts II to V of the Crown Proceedings Act 1947 shall apply to proceedings against the Crown under section 20 above as they apply to proceedings in Scotland by or against the Crown under that Act, except that in their application to proceedings under the said section 20—
 - (a) the proviso to section 44 of that Act (remission of proceedings from sheriff court to Court of Session) shall not apply; and
 - (b) section 47 of that Act (recovery of documents) shall have effect subject to section 24 of this Act;

and any restriction in the said provisions on the bringing of any proceedings in respect of any such act or omission as is described in section 43(b) of that Act shall apply to proceedings against the Crown under the said section 20.

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- (4) For the purposes of this Act the office of constable shall be treated as if it were employment and a constable shall be treated as if he were employed by the authority by whom he is appointed, except that a constable appointed by justices of the peace on the nomination or application of any authority shall be treated as if he were employed by the authority on whose nomination or application he is appointed, and accordingly the authority by whom or, as the case may be, on whose nomination or application a constable is appointed shall be treated for those purposes as if he or they were an employer or employers.
- (5) A police cadet shall be treated for those purposes as if he were employed by the authority by whom he is appointed and accordingly—
 - (a) any such authority shall be treated for those purposes as if he were an employer; and
 - (b) section 17(3) of the Police Act 1964 and section 8(3) of the Police (Scotland) Act 1967 (police authority to be treated as the employer of a police cadet for certain purposes) shall not apply for the purposes of this Act.
- (6) Where by virtue of subsection (4) or (5) above a chief officer of police is treated as if he were the employer of any constable or police cadet, there shall be paid out of the police fund or, in Scotland, by the police authority—
 - (a) any damages, costs or expenses awarded against the chief officer of police in any proceedings brought against him under Part II of this Act and any costs or expenses incurred by him in any such proceedings so far as not recovered by him in the proceedings ; and
 - (b) any sum required by him in connection with the settlement of any claim made against him by virtue of this section, including any settlement made under Part II of this Act, if the settlement is approved by the police authority.
- (7) Any proceedings under Part II of this Act which by virtue of subsection (4) or (5) above and apart from this subsection would lie against a chief officer of police shall be brought against the chief officer of police for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of the chief officer of police; and references in subsection (6) above to the chief officer of police shall be construed accordingly.
- (8) Section 8(2) and (3) of this Act shall have effect as if any reference to employment, work or persons employed in an undertaking or part of an undertaking included a reference to employment, work or persons employed in the service of the Crown or in any government department or any police force, or part thereof.
- (9) Nothing in this Act shall—
 - (a) invalidate any rules (whether made before or after the passing of this Act) restricting employment in the service of the Crown or by any public body prescribed for the purposes of this subsection by regulations made by the Treasury to persons of particular birth, citizenship, nationality, descent or residence; or
 - (b) render unlawful the publication, display or implementation of any such rules or the publication or display of advertisements stating the gist of any such rules.
- (10) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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- (11) References in this section to the Crown include references to Her Majesty in right of the Duchy of Lancaster or the Duke of Cornwall.
- (12) In this section " public body " means a body of persons, whether corporate or unincorporate, carrying on a service or undertaking of a public nature and expressions used in subsections (6) and (7) above and in the Police Act 1964 have the same meaning in those subsections as they have in that Act.

In the application of this subsection to Scotland, for the reference to the Police Act 1964 there shall be substituted a reference to the Police (Scotland) Act 1967.

28 Supplementary.

- (1) In this Act, except so far as the context otherwise requires—
- " act " includes omission, and any reference to an act or other thing done shall be construed accordingly ;
 - " British ship or aircraft " means a ship or aircraft registered in the United Kingdom or belonging to the Crown or to a Government Department or for the time being in possession of such a Department;
 - " community relations " means relations within the community between people of different colour, race or ethnic or national origins ;
 - " disposal ", in relation to land, includes granting a right to occupy land and any reference to acquiring land shall be construed accordingly;
 - " relevant assurance " means an assurance given for the purposes of section 15(3) of this Act or paragraph 3 of Schedule 2 or paragraph 2 or 8 of Schedule 3 thereto.
- (2) Any reference in sections 1 to 6 of this Act to the doing of anything by any person is a reference to the doing of that thing by him as employer or employee or as principal or agent.
- (3) For the purposes of this Act the territorial waters of Great Britain shall be treated as forming part of Great Britain.
- (4) Any reference in this Act to the territorial waters of a country is a reference to such part of the sea adjacent to the coast of that country as is recognised by international law as forming the territorial waters of that country.
- (5) Any reference in this Act to a body of persons shall, in relation to any description of employment, disputes about which are normally considered by an organisation of such bodies, be construed as a reference to that organisation.
- (6) Any power conferred by this Act on a Minister of the Crown or the Treasury to make regulations or orders shall be exercisable by statutory instrument.
- (7) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.
- (8) The following provisions of the Race Relations Act 1965, that is to say, sections 1 to 4 and 8(2), the words of exception in section 8(3) and the Schedule, are hereby repealed except as respect things done before the commencement of this Act.

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- (9) Anything which was done before the commencement of this Act in contravention of section 1 of the said Act of 1965 and would, if done after the commencement of this Act, have contravened section 2 of this Act shall be taken into account in determining under section 21(1) or (2) of this Act whether an injunction should be granted or an order made in respect of an act of discrimination in contravention of the said section 2.
- (10) Any local conciliation committee constituted under the said Act of 1965 before the commencement of this Act shall be treated for the purposes of this Act or any enactment thereby amended as a conciliation committee constituted under this Act, and any person appointed to be a member, officer or servant of the Race Relations Board or a local conciliation committee and holding office as such immediately before the commencement of this Act shall be so treated as having been appointed to the Board or the conciliation committee, as the case may be, under this Act.

29 Short title, citation, commencement and extent.

- (1) This Act may be cited as the Race Relations Act 1968.
- (2) The Race Relations Act 1965 and this Act may be cited together as the Race Relations Acts 1965 and 1968.
- (3) This Act shall come into operation at the expiration of one month from the date of its passing.
- (4) This Act, except so much thereof as amends the House of Commons Disqualification Act 1957, does not extend to Northern Ireland.