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SCHEDULES.

SCHEDULE 3

Section 17.

INVESTIGATION OF UNLAWFUL CONDUCT WHERE NO COMPLAINT MADE.

PART I

NORMAL PROVISIONS AS TO INVESTIGATIONS

- 1 The Race Relations Board may themselves investigate or may refer to a conciliation committee a matter which falls to be investigated under this Part of this Schedule, and it shall be the duty of a committee to whom a matter is referred under this paragraph to investigate the matter.
- 2 In investigating any matter under this Part of this Schedule the Board or a conciliation committee—
 - (a) shall make such inquiries as they think necessary with regard thereto 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) where the investigation relates to an act suspected of amounting to discrimination against a particular person, shall use their best endeavours by communication with the persons 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 person by whom it was done; and
 - (c) where the investigation does not so relate, shall, where appropriate, use their best endeavours to secure such an assurance as aforesaid.
- 3 If on investigating any matter 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.
- 4 If on investigating any matter 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 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 matter themselves or, without investigating it, determine whether or not to bring proceedings under section 19 or 20 of this Act.
- 5 Where the Board or a conciliation committee investigate any matter under this Part of this Schedule they shall on completing the investigation give a written notification to the persons appearing to them to be concerned stating—

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- (a) whether or not they have been able to form an opinion with respect to the matter 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 paragraph 2 above ; and
 - (c) what action if any they propose to take with respect to the matter.
- 6 Where the Board come to a determination under paragraph 4 above without investigating a matter, they shall give a written notification to the persons appearing to them to be concerned of their determination.

PART II

INVESTIGATION OF MATTERS RELATING TO EMPLOYMENT, TRADE UNIONS AND ORGANISATIONS OF EMPLOYERS

- 7 Subject to paragraphs 18 and 21 below, the Race Relations Board shall not in the first instance investigate any matter falling to be investigated under this Part of this Schedule, but shall refer it to the Secretary of State for Employment and Productivity, and (subject as aforesaid) the Secretary of State shall—
- (a) if satisfied that there is a body of persons suitable to consider any matter referred to him under this paragraph, refer it to that body for investigation by them ;
 - (b) if not, refer it to the Board for investigation by them or by a conciliation committee.
- 8 A body of persons investigating any matter referred to them under this Part of this Schedule—
- (a) shall make such inquiries as they think necessary with respect thereto 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) where the investigation relates to an act suspected of amounting to discrimination against a particular person, shall use their best endeavours by communication with the persons concerned or otherwise to secure a settlement of any difference between them and, where appropriate, a satisfactory assurance against any repetition of the act considered to be unlawful or the doing of further acts of a similar kind by the person by whom it was done ; and
 - (c) where the investigation does not so relate, shall, where appropriate, use their best endeavours to secure such an assurance as aforesaid.
- 9 A body of persons to whom a matter is referred under this Schedule shall, on the expiration of the period of four weeks from the reference of the matter to them or on completion of their investigation, whichever occurs first, report to the Secretary of State for Employment and Productivity whether in their opinion an act has been done which is unlawful by virtue of any provision of Part I of this Act and, if so, whether they have been able to secure such a settlement and assurance or, as the case may be, such an assurance as are mentioned in paragraph 8 above.
- 10 Where the Secretary of State—
- (a) receives a report from a body of persons under paragraph 9 above that they have failed within the said period of four weeks to secure such a settlement and assurance or, as the case may be, such an assurance ; or
 - (b) receives no report under that paragraph from such a body;

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- he may after consultation with the Race Relations Board request that body to continue to investigate the matter for a specified period or to cease investigating it.
- 11 Where the Secretary of State requests a body of persons to continue as aforesaid, paragraphs 8 to 10 above shall apply to the investigation as they apply to an investigation on its original reference under this Part of this Schedule with the substitution of references to the specified period for references to the said period of four weeks.
- 12 A body of persons to whom a matter is referred under this Part of this Schedule shall, on completion of their investigation, give a written notification to the persons appearing to them to be concerned stating—
- (a) whether or not they have been able to form an opinion with respect to the matter 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 paragraph 8 above ; and
 - (c) that they will report to the Secretary of State for Employment and Productivity on their investigation ;
- and stating the rights of any such person who is aggrieved by the conclusion or any other decision of that body.
- 13 Where in pursuance of paragraph 10 above the Secretary of State requests a body of persons to whom a matter has been referred under this Part of this Schedule to cease investigating the matter, he shall refer the matter to the Race Relations Board and it shall be the duty of the Board to investigate it.
- 14 Where the Race Relations Board are notified by any person appearing to them to be concerned that he is aggrieved by a decision of any body of persons to whom a matter has been referred under this Schedule, then, subject to the following provisions of this Schedule, the Board may determine that the matter be not further investigated or may refer it back to that body for further investigation or may investigate it themselves, and where the Board refer the matter back to that body, paragraphs 8, 9, 12 and 13 above shall apply to the matter as they apply to a matter referred to such a body by the Secretary of State for Employment and Productivity—
- (a) with the substitution for references to the Secretary of State of references to the Board ; and
 - (b) with the omission in paragraphs 9 and 13 of any reference to any period or to dealing with a matter within or after the end of a period.
- 15 Where the Race Relations Board are notified by any such person that he is aggrieved by any such decision and it appears to the Board that that decision was not disputed by him within a week of his being given a written notification of the decision in accordance with paragraph 12 above, or within such further period as the Board may in special circumstances allow, the Board shall disregard the notification under paragraph 14 above.
- 16 Where a matter originally referred to a body of persons by the Secretary of State for Employment and Productivity under this Schedule is again referred to them by the Race Relations Board for further consideration and that body reports to the Board that they have been unable to secure such a settlement and assurance or, as the case may be, such an assurance as are mentioned in paragraph 8 above or where it appears to the Board that that body have been unable to secure such a settlement

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- and assurance, or, as the case may be, such an assurance, the Board may investigate the matter themselves or determine that it be not further investigated.
- 17 Subject to paragraphs 18 to 20 below, where a matter falling to be investigated under this Part of this Schedule is referred to the Board thereunder, Part I of this Schedule shall apply to the matter as it applies to a matter falling to be investigated under that Part of this Schedule, except that so much of paragraph 1 as provides for the reference of a matter to a conciliation committee and paragraphs 4 and 6 of this Schedule shall not apply to a matter referred to the Board under paragraph 13 above.
- 18 Where it appears to the Race Relations Board on first considering a matter falling to be investigated under this Part of this Schedule that it may relate to an act done in breach of a relevant assurance, then, notwithstanding anything in paragraph 7 above, the Board shall retain the complaint for investigation in accordance with paragraph 19 below.
- 19 Where a matter falls to be investigated in accordance with this paragraph, the Race Relations Board shall either investigate it themselves or—
- (a) if there is a body of persons notified to them by the Secretary of State for Employment and Productivity as being a body suitable to consider the matter, refer it to them for investigation ;
 - (b) if there is not, refer it to a conciliation committee for investigation.
- 20 Where on investigating a matter under this Part of this Schedule the Board or any such body or committee form the opinion that an act has been done which is unlawful by virtue of any provision of Part I of this Act, they shall also form an opinion whether the act was done in breach of a relevant assurance; and—
- (a) where any such committee form the opinion that it was done in breach of such an assurance they may, without more, report that fact to the Board ;
 - (b) where any such body form that opinion, they may, without more, report that fact to the Secretary of State for Employment and Productivity and the Board; and
 - (c) where the Board form that opinion or where they receive a report made by any such committee or body under this paragraph, they may, without more, determine to bring proceedings under section 19 or 20 of this Act.
- 21 Where it appears to the Race Relations Board that an act suspected of being unlawful by virtue of any provision of Part I of this Act relates to employment and that it was done by a person acting as agent for another person, but without the authority of that other person, the Board shall deal with it as a matter falling to be investigated under Part I of this Schedule, and that Part of this Schedule shall, notwithstanding anything in section 17 of this Act, apply to the investigation of the matter accordingly.