

## SCHEDULES

### SCHEDULE 3

#### SERVICES AND PUBLIC FUNCTIONS: EXCEPTIONS

#### PART 4

#### IMMIGRATION

##### *Nationality and ethnic or national origins*

- 17 (1) This paragraph applies in relation to race discrimination so far as relating to—
- (a) nationality, or
  - (b) ethnic or national origins.
- (2) Section 29 does not apply to anything done by a relevant person in the exercise of functions exercisable by virtue of a relevant enactment.
- (3) A relevant person is—
- (a) a Minister of the Crown acting personally, or
  - (b) a person acting in accordance with a relevant authorisation.
- (4) A relevant authorisation is a requirement imposed or express authorisation given—
- (a) with respect to a particular case or class of case, by a Minister of the Crown acting personally;
  - (b) with respect to a particular class of case, by a relevant enactment or by an instrument made under or by virtue of a relevant enactment.
- (5) The relevant enactments are—
- (a) the Immigration Acts,
  - (b) the Special Immigration Appeals Commission Act 1997,
  - (c) a provision made under section 2(2) of the European Communities Act 1972 which relates to immigration or asylum, and
  - (d) a provision of Community law which relates to immigration or asylum.
- (6) The reference in sub-paragraph (5)(a) to the Immigration Acts does not include a reference to—
- (a) sections 28A to 28K of the Immigration Act 1971 (powers of arrest, entry and search, etc.), or
  - (b) section 14 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (power of arrest).