



Race Relations Act 1965

1965 CHAPTER 73

An Act to prohibit discrimination on racial grounds in places of public resort; to prevent the enforcement or imposition on racial grounds of restrictions on the transfer of tenancies; to penalise incitement to racial hatred; and to amend section 5 of the Public Order Act 1936. [8th November 1965]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Discrimination

1.—(1) It shall be unlawful for any person, being the proprietor or manager of or employed for the purposes of any place of public resort to which this section applies, to practise discrimination on the ground of colour, race, or ethnic or national origins against persons seeking access to or facilities or services at that place. Discrimination in places of public resort.

(2) This section applies to the following places of public resort, that is to say—

- (a) any hotel, and any restaurant, café, public house or other place where food or drink is supplied for consumption by the public therein;
- (b) any theatre, cinema, dance hall, sports ground, swimming pool or other place of public entertainment or recreation;
- (c) any premises, vehicle, vessel or aircraft used for the purposes of a regular service of public transport;

(d) any place of public resort maintained by a local authority or other public authority.

(3) For the purposes of this section a person discriminates against another person if he refuses or neglects to afford him access to the place in question, or any facilities or services available there, in the like manner and on the like terms in and on which such access, facilities or services are available to other members of the public resorting thereto.

(4) Except as provided by sections 3 and 4 of this Act, no proceedings, whether civil or criminal, shall lie against any person in respect of an act or omission which is unlawful by virtue only of this section.

1956 c. 62.

(5) In this section "hotel" means an hotel within the meaning of the Hotel Proprietors Act 1956 (that is to say an establishment held out by the proprietor as offering food, drink and, if so required, sleeping accommodation, without special contract, to any traveller presenting himself who appears able and willing to pay a reasonable sum for the services and facilities provided and who is in a fit state to be received) and any establishment which would be an hotel within the meaning of that Act apart from any discrimination on grounds mentioned in this section.

The Race Relations Board and conciliation committees.

2.—(1) For the purposes of securing compliance with the provisions of section 1 of this Act and the resolution of difficulties arising out of those provisions, there shall be constituted a board to be known as the Race Relations Board, consisting of a chairman and two other members appointed by the Secretary of State.

(2) The Board shall constitute committees, to be known as local conciliation committees, for such areas as the Board consider necessary for the purposes of this section; and it shall be the duty of every such committee—

- (a) to receive and consider any complaint of discrimination in contravention of section 1 of this Act which may be made to them (or made to the Board and referred by the Board to them), being a complaint made by or with the authority in writing of the person against whom the discrimination is alleged to have been practised;
- (b) to make such inquiries as they think necessary with respect to the facts alleged in any such complaint; and
- (c) where appropriate, to use their best endeavours by communication with the parties concerned or otherwise to secure a settlement of any difference between them and a satisfactory assurance against further discrimination contrary to the said section 1 by the party against whom the complaint is made.

(3) In any case where the local conciliation committee are unable to secure such a settlement, or such a settlement and assurance, as aforesaid, or it appears to the committee that any such assurance is not being complied with, the committee shall make a report to that effect to the Race Relations Board; and if it appears to the Board, in consequence of such reports—

(a) that there has taken place in any place of public resort to which the said section 1 applies a course of conduct in contravention of that section; and

(b) that that conduct is likely to continue,

the Board shall report the matter to the Attorney General or the Lord Advocate, as the case may be.

(4) The local conciliation committees 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.

(5) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the Race Relations Board and local conciliation committees.

(6) In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (bodies of which all members are disqualified under that Act) there shall be inserted (at the appropriate point in alphabetical order) the entry "The Race Relations Board and any local conciliation committee constituted by the Board under section 2 of the Race Relations Act 1965"; and the like amendment shall be made in the Part substituted for the said Part II by Schedule 3 to that Act in its application to the Senate and House of Commons of Northern Ireland.

3.—(1) Civil proceedings for the enforcement of section 1 of this Act by injunction may be brought in England and Wales by the Attorney General; and if in proceedings under this section the court is satisfied—

Proceedings
for
enforcement
of section 1 in
England
and Wales

(a) that the defendant has (by himself or by his servants or agents) engaged in connection with a place of public resort to which section 1 of this Act applies in a course of conduct in contravention of that section; and

(b) that he is likely, unless restrained by order of the court, to persist in such conduct,

the court may grant such injunction as appears to the court to be proper in all the circumstances, and in particular an injunction to restrain the defendant from committing or causing or permitting acts of discrimination in contravention of the said section 1 of such kinds, against such persons or against persons of such descriptions, as may be specified in the order of the court.

(2) In proceedings under this section, evidence of any communication made to the Race Relations Board, a local conciliation committee, or any officer or servant of the Board or of such a committee, for the purpose of or in connection with the exercise of their functions under section 2 of this Act shall not be admitted except with the consent of the party by whom it was made.

(3) Notwithstanding anything to the contrary in any enactment or rule of law relating to the jurisdiction of county courts, proceedings under this section may be brought in a county court; and any proceedings so brought shall be included among the proceedings mentioned in subsection (2) of section 109 of the County Courts Act 1959 (appeals on questions of fact).

1959 c. 22.

Proceedings
for
enforcement
of section 1 in
Scotland.

4.—(1) If it appears to the sheriff, on an application made by or on behalf of the Lord Advocate, that any person—

(a) has (by himself or by his servants or agents) engaged in connection with a place of public resort to which section 1 of this Act applies in a course of conduct in contravention of that section, and

(b) is likely, unless prohibited by an order of the court, to persist in such conduct,

the sheriff may make an order prohibiting that person from committing or causing or permitting acts of discrimination in contravention of the said section 1 of such kinds, against such persons or against persons of such descriptions, as may be specified in the order.

(2) An appeal shall lie to the Court of Session against any order of the sheriff—

(a) made under the last preceding subsection, or

(b) imposing on any person any punishment in respect of a breach of an order made under that subsection;

and on any such appeal the decision of the Court of Session shall be final.

(3) Subsection (2) of section 3 of this Act shall apply in the case of proceedings under this section as it applies in the case of proceedings under that section.

Discriminatory
restrictions
on disposal
of tenancies.

5.—(1) In any case where the licence or consent of the landlord or of any other person is required for the disposal to any person of premises comprised in a tenancy, that licence or consent shall be treated as unreasonably withheld if and so far as it is withheld on the ground of colour, race or ethnic or national origins:

Provided that this subsection does not apply to a tenancy of premises forming part of a dwelling-house of which the remainder or part of the remainder is occupied by the person whose licence

or consent is required as his own residence if the tenant is entitled in common with that person to the use of any accommodation other than accommodation required for the purposes of access to the premises.

(2) Any covenant, agreement or stipulation which purports to prohibit the disposal of premises comprised in a tenancy to any persons by reference to colour, race or ethnic or national origins shall be construed as prohibiting such disposal except with the consent of the landlord, such consent not to be unreasonably withheld.

(3) In this section "tenancy" means a tenancy created by a lease or sublease, by an agreement for a lease or sublease or by a tenancy agreement or in pursuance of any enactment; and "disposal", in relation to premises comprised in a tenancy, includes assignment or assignation of the tenancy and subletting or parting with possession of the premises or any part of the premises.

(4) This section applies to tenancies created before as well as after the passing of this Act.

Public Order

6.—(1) A person shall be guilty of an offence under this section if, with intent to stir up hatred against any section of the public in Great Britain distinguished by colour, race, or ethnic or national origins—

(a) he publishes or distributes written matter which is threatening, abusive or insulting; or

(b) he uses in any public place or at any public meeting words which are threatening, abusive or insulting,

being matter or words likely to stir up hatred against that section on grounds of colour, race, or ethnic or national origins.

(2) In this section the following expressions have the meanings hereby assigned to them, that is to say:—

"public meeting" and "public place" have the same meanings as in the Public Order Act 1936;

"publish" and "distribute" mean publish or distribute to the public at large or to any section of the public not consisting exclusively of members of an association of which the person publishing or distributing is a member;

"written matter" includes any writing, sign or visible representation.

(3) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds, or both;

1936 c. 6.
(1 Edw. 8. &
1 Geo. 6.)

- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding one thousand pounds, or both;

but no prosecution for such an offence shall be instituted in England and Wales except by or with the consent of the Attorney General.

Extension of Public Order Act 1936 s. 5 to written matter. 1936 c. 6. (1 Edw. 8 & 1 Geo. 6.)

7. For section 5 of the Public Order Act 1936 there shall be substituted the following section:—

“5. Any person who in any public place or at any public meeting—

- (a) uses threatening, abusive or insulting words or behaviour, or
 (b) distributes or displays any writing, sign or visible representation which is threatening, abusive or insulting,

with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned, shall be guilty of an offence.”

Supplemental

Short title, commencement and extent.

8.—(1) This Act may be cited as the Race Relations Act 1965.

(2) This Act shall come into operation at the expiration of one month from the date of its passing.

1957 c. 20.

(3) This Act, except so much of section 2 as amends the House of Commons Disqualification Act 1957, does not extend to Northern Ireland.

SCHEDULE

PROVISIONS AS TO RACE RELATIONS BOARD AND
LOCAL CONCILIATION COMMITTEES*The Race Relations Board*

1. A person appointed to be a member of the Race Relations Board shall hold and vacate office under the terms of the instrument by which he is appointed, but may at any time resign his office; and a person who ceases to hold office as a member of the Board shall be eligible for reappointment.

2. The Board may appoint such officers and servants as they may, after consultation with the Secretary of State and with the consent of the Treasury, determine; and the Board shall be included among the bodies specified in the Table comprised in paragraph 25 of Schedule 2 to the Superannuation (Amendment) Act 1965.

1965 c. 10.

3.—(1) The Secretary of State shall pay to the members of the Board such remuneration and allowances as he may, with the consent of the Treasury, determine.

(2) The Board shall pay to their officers and servants such remuneration and allowances as they may, with the consent of the Treasury and after consultation with the Secretary of State, determine.

4. There shall be defrayed out of moneys provided by Parliament the expenses of the Secretary of State under paragraph 3(1) of this Schedule, together with the expenses of the Board under paragraph 3(2) thereof and, to such amount as the Secretary of State may with the consent of the Treasury approve, any other expenses of the Board.

Local conciliation committees

5. The Chairman and other members of a local conciliation committee shall be appointed by the Board.

6. Paragraph 1 of this Schedule shall apply in relation to a local conciliation committee as it applies in relation to the Board.

7. The Board may pay to members of a local conciliation committee, and to persons assisting in or concerned with the carrying out of the functions of any such committee, travelling or other allowances in accordance with such scales as may be approved by the Secretary of State with the consent of the Treasury, and may defray any other expenses of such committees to such amount as may be so approved.