



# Race Relations Act 1976

## 1976 CHAPTER 74

### PART III

#### DISCRIMINATION IN OTHER FIELDS

##### *Goods, facilities, services and premises*

#### **20 Discrimination in provision of goods, facilities or services**

- (1) It is unlawful for any person concerned with the provision (for payment or not) of goods, facilities or services to the public or a section of the public to discriminate against a person who seeks to obtain or use those goods, facilities or services—
- (a) by refusing or deliberately omitting to provide him with any of them ; or
  - (b) by refusing or deliberately omitting to provide him with goods, facilities or services of the like quality, in the like manner and on the like terms as are normal in the first-mentioned person's case in relation to other members of the public or (where the person so seeking belongs to a section of the public) to other members of that section.
- (2) The following are examples of the facilities and services mentioned in subsection (1)
- (a) access to and use of any place which members of the public are permitted to enter ;
  - (b) accommodation in a hotel, boarding house or other similar establishment;
  - (c) facilities by way of banking or insurance or for grants, loans, credit or finance ;
  - (d) facilities for education ;
  - (e) facilities for entertainment, recreation or refreshment;
  - (f) facilities for transport or travel;
  - (g) the services of any profession or trade, or any local or other public authority.

## **21 Discrimination in disposal or management of premises**

- (1) It is unlawful for a person, in relation to premises in Great Britain of which he has power to dispose, to discriminate against another—
  - (a) in the terms on which he offers him those premises ; or
  - (b) by refusing his application for those premises ; or
  - (c) in his treatment of him in relation to any list of persons in need of premises of that description.
- (2) It is unlawful for a person, in relation to premises managed by him, to discriminate against a person occupying the premises—
  - (a) in the way he affords him access to any benefits or facilities, or by refusing or deliberately omitting to afford him access to them ; or
  - (b) by evicting him, or subjecting him to any other detriment.
- (3) Subsection (1) does not apply to a person who owns an estate or interest in the premises and wholly occupies them unless he uses the services of an estate agent for the purposes of the disposal of the premises, or publishes or causes to be published an advertisement in connection with the disposal.

## **22 Exception from ss. 20(1) and 21: small dwellings**

- (1) Sections 20(1) and 21 do not apply to the provision by a person of accommodation in any premises, or the disposal of premises by him, if—
  - (a) that person or a near relative of his (" the relevant occupier ") resides, and intends to continue to reside, on the premises ; and
  - (b) there is on the premises, in addition to the accommodation occupied by the relevant occupier, accommodation (not being storage accommodation or means of access) shared by the relevant occupier with other persons residing on the premises who are not members of his household ; and
  - (c) the premises are small premises.
- (2) Premises shall be treated for the purposes of this section as small premises if—
  - (a) in the case of premises comprising residential accommodation for one or more households (under separate letting or similar agreements) in addition to the accommodation occupied by the relevant occupier, there is not normally residential accommodation for more than two such households and only the relevant occupier and any member of his household reside in the accommodation occupied by him ;
  - (b) in the case of premises not falling within paragraph (a), there is not normally residential accommodation on the premises for more than six persons in addition to the relevant occupier and any members of his household.

## **23 Further exceptions from ss. 20(1) and 21**

- (1) Sections 20(1) and 21 do not apply—
  - (a) to discrimination which is rendered unlawful by any provision of Part II or section 17 or 18 ; or
  - (b) to discrimination which would be rendered unlawful by any provision of Part II but for any of the following provisions, namely sections 4(3), 5(1)(b), 6, 7(4), 9 and 14(4).

- (2) Section 20(1) does not apply to anything done by a person as a participant in arrangements under which he (for reward or not) takes into his home, and treats as if they were members of his family, children, elderly persons, or persons requiring a special degree of care and attention.

## **24 Discrimination: consent for assignment or sub-letting**

- (1) Where the licence or consent of the landlord or of any other person is required for the disposal to any person of premises in Great Britain comprised in a tenancy, it is unlawful for the landlord or other person to discriminate against a person by withholding the licence or consent for disposal of the premises to him.
- (2) Subsection (1) does not apply if—
- (a) the person withholding a licence or consent, or a near relative of his (" the relevant occupier ") resides, and intends to continue to reside, on the premises ; and
  - (b) there is on the premises, in addition to the accommodation occupied by the relevant occupier, accommodation (not being storage accommodation or means of access) shared by the relevant occupier with other persons residing on the premises who are not members of his household; and
  - (c) the premises are small premises.
- (3) Section 22(2) (meaning of " small premises ") shall apply for the purposes of this as well as of that section.
- (4) In this section " tenancy " means a tenancy created by a lease or sub-lease, by an agreement for a lease or sub-lease 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 sub-letting or parting with possession of the premises or any part of the premises.
- (5) This section applies to tenancies created before the passing of this Act, as well as to others.

## **25 Discrimination: associations not within s.11**

- (1) This section applies to any association of persons (however described, whether corporate or unincorporate, and whether or not its activities are carried on for profit) if—
- (a) it has twenty-five or more members ; and
  - (b) admission to membership is regulated by its constitution and is so conducted that the members do not constitute a section of the public within the meaning of section 20(1); and
  - (c) it is not an organisation to which section 11 applies.
- (2) It is unlawful for an association to which this section applies, in the case of a person who is not a member of the association, to discriminate against him—
- (a) in the terms on which it is prepared to admit him to membership; or
  - (b) by refusing or deliberately omitting to accept his application for membership.
- (3) It is unlawful for an association to which this section applies, in the case of a person who is a member or associate of the association, to discriminate against him—

- (a) in the way it affords him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them ; or
  - (b) in the case of a member, by depriving him of membership, or varying the terms on which he is a member ; or
  - (c) in the case of an associate, by depriving him of his rights as an associate, or varying those rights; or
  - (d) in either case, by subjecting him to any other detriment.
- (4) For the purposes of this section—
- (a) a person is a member of an association if he belongs to it by virtue of his admission to any sort of membership provided for by its constitution (and is not merely a person with certain rights under its constitution by virtue of his membership of some other association), and references to membership of an association shall be construed accordingly;
  - (b) a person is an associate of an association to which this section applies if, not being a member of it, he has under its constitution some or all of the rights enjoyed by members (or would have apart from any provision in its constitution authorising the refusal of those rights in particular cases).

## **26 Exception from s. 25 for certain associations**

- (1) An association to which section 25 applies is within this subsection if the main object of the association is to enable the benefits of membership (whatever they may be) to be enjoyed by persons of a particular racial group defined otherwise than by reference to colour; and in determining whether that is the main object of an association regard shall be had to the essential character of the association and to all relevant circumstances including, in particular, the extent to which the affairs of the association are so conducted that the persons primarily enjoying the benefits of membership are of the racial group in question.
- (2) In the case of an association within subsection (1), nothing in section 25 shall render unlawful any act not involving discrimination on the ground of colour.