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STATUTORY INSTRUMENTS

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**2003 No. 1626**

**The Race Relations Act 1976 (Amendment) Regulations 2003**

**Burden of proof**

**41.** After section 54 of the 1976 Act insert—

**“Burden of proof: employment tribunals**

**54A.**—(1) This section applies where a complaint is presented under section 54 and the complaint is that the respondent—

- (a) has committed an act of discrimination, on grounds of race or ethnic or national origins, which is unlawful by virtue of any provision referred to in section 1(1B) (a), (e) or (f), or Part IV in its application to those provisions, or
- (b) has committed an act of harassment.

(2) Where, on the hearing of the complaint, the complainant proves facts from which the tribunal could, apart from this section, conclude in the absence of an adequate explanation that the respondent—

- (a) has committed such an act of discrimination or harassment against the complainant, or
- (b) is by virtue of section 32 or 33 to be treated as having committed such an act of discrimination or harassment against the complainant,

the tribunal shall uphold the complaint unless the respondent proves that he did not commit or, as the case may be, is not to be treated as having committed, that act.”.