



## BRIEFING PAPER

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# An early history of British race relations legislation

By Jennifer Brown

### Summary

This Library paper has been written to support the House of Commons 'artist in residence' project [First Waves: Exploring the impact of race relations legislation in the UK](#). Scarlett Crawford has been commissioned by the *Speaker's Advisory Committee on Works of Art in the House of Commons* to explore the impact of the 1965, 1968 and 1976 Race Relations Acts.

This paper provides information on all three of these Acts. It explains their main provisions and looks at how they attempted to address racial discrimination in the UK.

#### **Race Relations Act 1965**

This Act prohibited discrimination on grounds of race in public places and established the Race Relations Board with responsibility for conciliation of discrimination complaints.

#### **Race Relations Act 1968**

This Act extended the protection against discrimination beyond public places to include, amongst other things, employment and housing. The Act strengthened the powers of the Race Relations Board and established the Community Relations Commission.

#### **Race Relations Act 1976**

This Act extended the definition of discrimination to include indirect discrimination. The Act replaced the Race Relations Board and the Community Relations Commission with the Commission for Racial Equality. Individuals gained the ability to take discrimination complaints directly to civil courts or industrial tribunals. The Commission for Racial Equality was given responsibility to enforce legislation and conduct research to inform government policy on race relations.

## 1. Race Relations Act 1965

The Race Relations Act 1965 was the first piece of major legislation which addressed racial discrimination in Britain.<sup>1</sup> The Act prohibited discrimination on grounds of race in public places and established the Race Relations Board. The Race Relations Board was

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<sup>1</sup> Solomos, J (2003) *Race and racism in Britain*, Third Edition, Palgrave Macmillian, *Table 4.1 Legislation on race relations since 1965*, p79 see also: UK Parliament, [Living heritage Race Relations Act 1965](#) [last accessed 02/07/2018]

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responsible for conciliation of discrimination complaints.<sup>2</sup> Though the Act was limited in scope, it has been judged to be important in that it established the Government's intent to legislate to protect ethnic minorities against discrimination.<sup>3</sup>

### 1.1 Background

During the 1950s and 60s people from across the Commonwealth came to settle in the UK, primarily from the Caribbean and South Asia. By 1964, the Government estimated that there were around a million people from Commonwealth countries living in the UK.<sup>4</sup> Campaign groups, such as the Campaign Against Racial Discrimination, were formed to lobby for legislation to protect Commonwealth citizens from racial discrimination. Around the same parliamentarians, notably the Lord Brockway (then MP for Eton and Slough), introduced several unsuccessful private members bills with the aim of prohibiting discrimination against people based on their race.<sup>5</sup>

Ahead of the 1964 General Election, the Labour Party committed to:

legislate against racial discrimination and incitement in public places and give special help to local authorities in areas where immigrants have settled.<sup>6</sup>

Following the election, the new Labour Government published the White Paper *Immigration from the Commonwealth* which set out the Government's intention to place further restrictions on migration from the Commonwealth whilst introducing integration policies for the existing communities of Commonwealth citizens.<sup>7</sup>

The Race Relations Bill was introduced to Parliament in the spring of 1965.<sup>8</sup> The original Bill would have made discrimination on grounds of race in public places a criminal offence. Following an opposition amendment, criminal penalties were removed from the Bill in favour of a conciliation process.<sup>9</sup>

### 1.2 Provisions

The [Race Relations Act 1965](#) prohibited discrimination in "places of public resort". The Act formally defined 'place of public resort' as:

...any hotel, and any restaurant, café, public house or other place where food and drink is supplied for consumption by the public therein;

Any theatre, cinema, dance hall, sports ground, swimming pool or other place of public entertainment or recreation;

Any premises, vehicle, vessel or aircraft used for the purposes of a regular service of public transport;

Any place of public resort maintained by a local authority or other public authority.<sup>10</sup>

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<sup>2</sup> Legislation.gov, [Race Relations Act 1965, Chapter 73](#).

<sup>3</sup> Solomos, J (2003) *Race and racism in Britain*, Third Edition, Palgrave Macmillian, p80

<sup>4</sup> *Immigration from the Commonwealth*, Cmnd 2739, August 1965, p10

<sup>5</sup> House of Lords Library, [Race Relations Act 1965: 50 years](#), January 2016, p1

<sup>6</sup> Labour Party (1964) ["THE NEW BRITAIN" 1964 General Election Manifesto](#)

<sup>7</sup> Command Paper 2739, *Immigration from the Commonwealth*, August 1965

<sup>8</sup> House of Commons Hansard, RACE RELATIONS BILL, HC Deb 03 May 1965 vol 711 cc926-1059

<sup>9</sup> *Ibid*, c928

<sup>10</sup> Legislation.gov, [Race Relations Act 1965, Chapter 73](#). Section 1.2

Discrimination was defined in the Act as refusing access to a public place or, whilst in a public place, refusing service on the same terms as other members of the public.<sup>11</sup>

## The Race Relations Board

Section 2 of the Act established the Race Relations Board to conciliate complaints of discrimination within the scope of the Act. Provisions in the Act allowed for the Board to create local committees to consider complaints. These local committees mediated discussions between parties to secure “satisfactory assurance against further discrimination”.<sup>12</sup> In cases where the local committee could not resolve a matter, the Race Relations Board could pass the matter onto the Attorney General.<sup>13</sup>

## 1.3 Evaluation

The Act was criticised for the limited protection from discrimination it provided. The Race Relations Board, in their first annual report, noted that 70 percent of complaints they received fell outside of the scope of the Act (224 of 309 complaints). The Race Relations Board recommended that the...

Race Relations Act be extended to cover housing, employment, financial facilities and places of public resort not covered by the present Act...<sup>14</sup>

This followed the Race Relations Board conclusion that

racial discrimination exists in this country; not only in places of public resort, but to an even greater extent in employment and housing, and to some extent in financial facilities and certain places of public resort outside the Race Relations Act 1965. We also believe that although equal treatment in places of public resort is an important indication of an individual's status in society, the effect of discrimination in housing and employment is more painful to the individual and more damaging to society as a whole.<sup>15</sup>

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<sup>11</sup> Ibid, section 1(3)

<sup>12</sup> Ibid, section 2(2)(c)

<sup>13</sup> Ibid, section 2(3)(b)

<sup>14</sup> Race Relations Board, Report of the Race Relations Board for 1966-67, p22

<sup>15</sup> Ibid, p21

## 2. Race Relations Act 1968

The [Race Relations Act 1968](#) extended legislation to prohibit discrimination on grounds of race to housing, employment and public services. The Act strengthened the Race Relations Board's powers to investigate complaints and set up the Community Relations Commission to promote "harmonious community relations".<sup>16</sup>

### 2.1 Background

As discussed above, the Race Relations Board quickly identified that the Race Relations Act 1965 was insufficient and recommended further legislation. The need to strengthen legislation became clearer when Political Economic Planning (a think-tank which would become the [Policy Studies Institute](#)) published a 'Survey of racial discrimination in England'. The survey found that racial discrimination was widespread, and it warned that the children of commonwealth migrants would be likely to experience greater discrimination.<sup>17</sup> Following its publication several MPs cited it as evidence that further legislation was needed.<sup>18</sup>

Agreeing that fresh legislation was needed, the then Labour Government asked the Home Affairs Committee to consider the specific proposals before publishing a Bill. The Committee largely approved with the Government's approach and the cabinet agreed on a Bill to introduce to the Houses of Parliament.<sup>19</sup>

### 2.2 Provisions

The Act defined discrimination as being treated "less favourably" than others. The Act also explicitly stated that segregation was to be considered 'less favourable treatment'.

The Act stated it was unlawful to discriminate in<sup>20</sup>:

- the provision of goods, facilities and services
- considering someone seeking employment and in reasons for dismissing someone from employment (with some exceptions, including in the employment of private households)

#### Timeline

**November 1965:** The Race Relations Act 1965 receives Royal Assent.

**April 1967:** Political Economic Planning publishes its survey of racial discrimination.

**May 1967:** Race Relations Board first annual report published.

**December 1967:** The Home Secretary Roy Jenkins asks the Home Affairs Committee to consider a proposed Race Relations Bill.

**January 1968:** The Cabinet considers the Committee's response and agrees on the scope of the upcoming Race Relations Bill

**March 1968:** The Commonwealth Immigrants Act is enacted

**April 1968:** Enoch Powell delivers "rivers of blood" speech in opposition to the Race Relations Bill

**April 1968:** The Race Relations Bill 1968 is considered for 2<sup>nd</sup> Reading in the House of Commons.

<sup>16</sup> Legislation.gov, [The Race Relations Act 1968](#), see also: BBC On this day, [1968: Race discrimination law tightened](#), [last accessed 06/06/18] and National Archives, [Cabinet Papers: Discrimination and race relations policy](#) [last accessed 06/06/18]

<sup>17</sup> "A survey of racial discrimination in employment and other fields in the United Kingdom", 1967, International Labour Review, vol. 96, no. 5, pp. 529. See also The Guardian, [WW Daniel Obituary](#), November 2015

<sup>18</sup> HC Deb [27 April 1967 vol 745 cc1793-7](#)

<sup>19</sup> National Archives, [Cabinet papers: Race Relations Legislation. Memorandum by the First Secretary of State, 8<sup>th</sup> January 1968](#). [last accessed 11/06/18]

<sup>20</sup> Race Relations Act 1968, Part I

- Membership of a trade union
- Housing accommodation, some business and other premises (with some exceptions, including for premises also occupied by the landlord)

The Act also made it unlawful to create advertisements and notices which would indicate an intention to discriminate.

The Act exempted the police in their operational duties from the legislation.<sup>21</sup>

## Strengthening the Race Relations Board

The Race Relations Board was given powers to bring civil legal proceedings against those who were found to have acted discriminatorily within the terms of the Act. These civil proceedings could result in the awarding of damages. Before bringing a case to the court, the Race Relations Board had to exhaust the conciliation process already in place under the 1965 Act.<sup>22</sup>

### Race Relation Board's powers to investigate discrimination in employment

The Act specified that discrimination complaints relating to employment should be referred to the then Department of Employment and Productivity, which would refer them to 'suitable industry machinery'. In such cases the complaint was only referred to the Race Relations Board if the complainant was unsatisfied with how it was dealt with by the 'suitable industry machinery'.<sup>23</sup>

## Community Relations Commission

The Act established the Community Relations Commission with responsibility to promote 'harmonious community relations'.

### Relationship between Race Relations and Immigration Acts

The Race Relations Act 1968 was designed as counterpart legislation to the Commonwealth Immigrants Act 1968. Race Relations policies in the 1960s and 70s were closely linked to immigration policies. Both the Labour and Conservative parties combined anti-discrimination and integration policies with stricter controls for entry in their election manifestos.<sup>24</sup> This was the approach outlined in the Labour Government's White Paper Immigration from the Commonwealth.<sup>25</sup>

## 2.3 Evaluation

An extract from the first report of the Community Relations Commission sets the scene of the context of race relations in 1968:

Many knowledgeable observers and many workers in this field would no doubt write 1968 down as a year of deterioration in community relations. Perhaps the worst feature was that for the first-time opinion in this country appeared to accept as socially respectable the use of blatantly hostile language in public utterances on the

<sup>21</sup> Ibid, Part III, para 27

<sup>22</sup> Ibid, Part II, section 19-24

<sup>23</sup> Race Relations Board, Report of the Race Relations Board for 1968-69, c. 71, s.14, p7

<sup>24</sup> UK General Elections: party manifestos, see also Solomos, J (2003) Race and racism in Britain, Third Edition, Palgrave Macmillan, p80- 81

<sup>25</sup> Command Paper. 2739, Immigration from the Commonwealth, August 1965

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subject of race and minority ethnic groups. Certainly, also the strong feelings aroused among the immigrant communities and in circles sympathetic to their interests by the enactment of the Commonwealth Immigrants Act 1968 have left behind a legacy of suspicion and mistrust which can only add to the difficulty of promoting harmony in community relations.

...

Certainly, also much publicised statements which were made during the year suggesting that coloured immigrants were an undesirable and burdensome element in the population and the reaction which these statements inevitably provoked among both the host community and the minority ethnic groups did incalculable harm to the cause of good community relations. For those concerned with the difficult day-to-day work of helping society to recognise, provide for and come to terms with the multi-racial character it has already acquired, it was a year of anxiety and uncertainty.<sup>26</sup>

This shows that external events to the passing of the Race Relations Act were having a detrimental effect on race relations in Britain.

The Race Relations Board raised concerns with provisions in the Act itself. Their report for 1968/ 69 highlighted that the "complaints procedure [had] very real limitations". They saw the fact that the majority of cases the Board investigated needed to be initiated by a complainant as a flaw. There were relatively few complaints lodged to the Race Relations Board and of these a small number resulted in a positive outcome for the complainant.<sup>27</sup> The Race Relations Board commented:

There is reason to suppose that ... avoidance of discriminatory situations on the part of immigrants has been an important factor in the large number of complaints rejected.

....

There is the danger here of a vicious circle developing. If immigrants continue to confine themselves largely to comparatively "safe" job areas through lack of confidence, or through inertia, there is a risk of a large number of complaints continuing to be rejected. As immigrants are unlikely to be aware of the character of the complaints and the reasons for their rejection, confidence may be further diminished and the tendency to play safe reinforced.<sup>28</sup>

Despite these early concerns the Race Relations Board concluded in 1969 that:

In the field of race relations British society faces a straight choice between segregation and integration.

...

The Government, the major political parties and, we believe, the great majority of people in this country, have chosen the second course. There is no reason why we should not achieve this objective and we believe that the 1968 Race Relations Act is a good base on which to build an integrated society.<sup>29</sup>

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<sup>26</sup> Community Relations Commission, Report of the Community Relations Commission, c.81, s.25(7)

<sup>27</sup> See the annex of this paper for statistics.

<sup>28</sup> Race Relations Board, Report of the Race Relations Board for 1968-69, p12-13

<sup>29</sup> Ibid, p23

## 3. Race Relations Act 1976

The Race Relations Act 1976 extended the definition of discrimination to include indirect discrimination. The Act replaced the Race Relations Board and the Community Relations Commission with the Commission for Racial Equality. Individuals with discrimination complaints could take their case directly to civil courts or industrial tribunals (known as employment tribunals today). The Commission for Racial Equality was given powers to enforce the legislation and conduct enquiries.

### 3.1 Background

By the early 1970s, it was becoming ever clearer that confidence in the framework established by the 1968 Act was diminishing. Further reports by Political Economic Planning highlighted that discrimination was still widespread and the number of successful complaints to the Race Relations Board had remained consistently low.<sup>30</sup> In their Annual Report for 1971/72, the Race Relations Board recommended a series of amendments to 1968 Act aimed at increasing their powers to investigate indirect discrimination. In April 1974, the Government announced that they would review race relations legislation.<sup>31</sup> This was followed in July by the publication of the House of Commons Committee on Race Relations and Immigration's report into the 'organisation of race relations administrations' which recommended a series of changes to the current regime.<sup>32</sup>

Drawing on the reports published by the Race Relations Board and the Select Committee the Government published its White Paper *Racial Discrimination* in September 1975. The White Paper was critical of the existing legislative framework and proposed a new Bill to remedy its weaknesses. The Government drew heavily on its success passing the Sex Discrimination Act 1975 to inform its approach to the new legislation.<sup>33</sup>

### 3.2 Provisions

There were three major innovations in the Act:

- 1 Extending protection from discrimination to indirect discrimination.
- 2 Giving individuals direct access to civil courts and industrial tribunals in hearing cases of racial discrimination
- 3 Combining the Race Relations Board and the Community Relations Commission with the Commission for Racial Equality<sup>34</sup>

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<sup>30</sup> Anwar, M, Roach, P & Sondhi, R (2000) *Introduction* in 'From Legislation to Integration? Race Relations in Britain', p6 Macmillian Press Ltd and statistics detailed in the Annex of this paper.

<sup>31</sup> House of Commons Select Committee on Race Relations and Immigration, Session 1974-75 *The Organisation of Race Relations Administration*, Volume 1, p vi

<sup>32</sup> Solomos, J (2003) *Race and racism in Britain*, Third Edition, Palgrave Macmillian, Table 4.1 *Legislation on race relations since 1965*, p82

<sup>33</sup> Lester, A (2000) *The Politics of the Race Relations Act 1976* in 'From Legislation to Integration? Race Relations in Britain', p33 Macmillian Press Ltd.

<sup>34</sup> Solomos, J (2003) *Race and racism in Britain*, Third Edition, Palgrave Macmillian, *Table 4.1 Legislation on race relations since 1965*, p83-85



## Indirect discrimination

The Act defined indirect discrimination as applying a detrimental requirement or condition on someone that would not apply equally to a person not of the same racial group.<sup>35</sup> Some examples of the types of discrimination meant by this definition was given at Second Reading of the Bill:

Under the Bill, therefore, it will be unlawful to impose, for instance, dress requirements at work or the adoption of recruiting tests which operate to disqualify coloured applicants at a substantially higher rate than white applicants without their being significantly related to the job requirements or performance.<sup>36</sup>

## The Commission for Racial Equality

The Race Relations Board and the Community Relations Commission were replaced with The Commission for Racial Equality. Now that the legislation laid the process of redress for discrimination within the civil courts and industrial tribunals, the purpose of the Commission for Racial Equality changed from that of its predecessor bodies. At Second Reading of the Race Relations Bill Secretary of State for the Home Office Roy Jenkins explained its purpose:

The principal functions of the new Commission will be to work towards the elimination of discrimination, to promote equality of opportunity and good relations between persons of different racial groups generally, and to keep the working of the legislation under review. It will have a major strategic role in enforcing the law in the public interest. It will be able to assist and represent individuals in appropriate cases, but it will also be concerned with wider policy: to identify and deal with discriminatory practices by industries, firms or institutions.<sup>37</sup>

The Commission for Racial Equality would eventually be merged with similar bodies to become the Equality and Human Rights Commission following the passing of the Equality Act 2006.<sup>38</sup>

## 3.3 Evaluation

Initial optimism that the 1976 Act would pave the way to equality for ethnic minorities in Britain was short lived. The Government inquiry into the Brixton riots of 1981 identified that the 1976 Act had failed to have a significant impact on racial discrimination in Britain. The Home Affairs Committee published reports which criticised the new Commission for Racial Equalities ability to enforce the legislation. The Commission also highlighted that not enough had been done to eliminate discrimination in its 1985 report.<sup>39</sup> Despite criticism the 1976 Act would remain in statute until it was repealed when equality legislation was consolidated in the Equality Act 2010.<sup>40</sup>

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<sup>35</sup> Race Relations Act 1976, Part 1

<sup>36</sup> Hansard, [HC Deb 04 March 1976 vol 906 cc1552](#)

<sup>37</sup> Hansard, [HC Deb 04 March 1976 vol 906 cc1557](#)

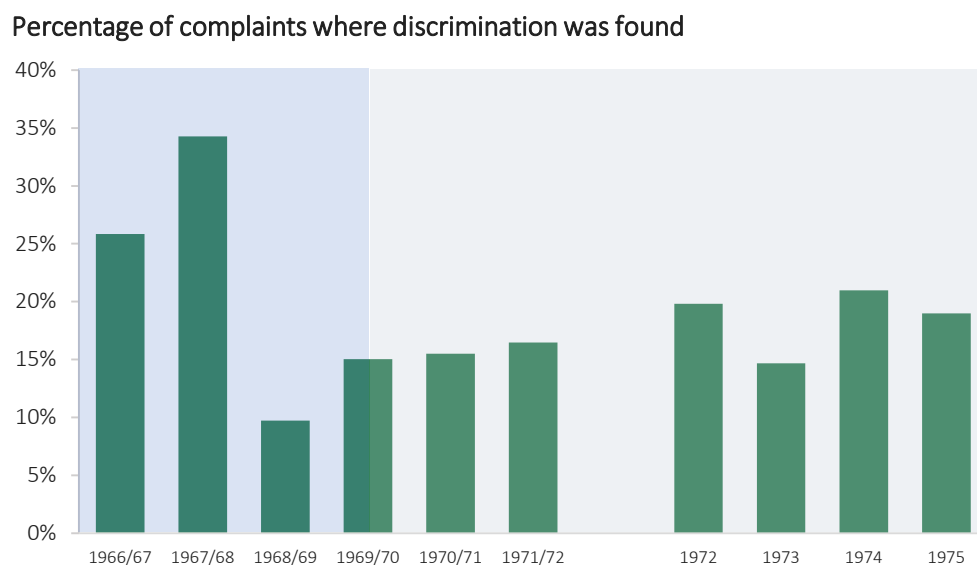
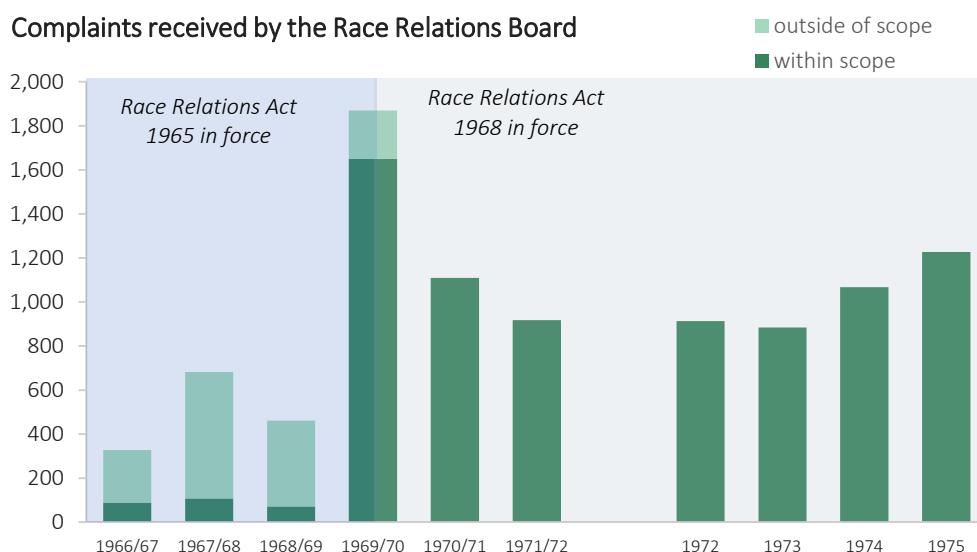
<sup>38</sup> Equality and Human Rights Commission, [Who are we](#) [last accessed 15/06/18]

<sup>39</sup> Solomos, J (2003) Race and racism in Britain, Third Edition, Palgrave Macmillian, p86-87

<sup>40</sup> [Equality Act 2010](#), Schedule 27, Part 1: repeals, Note that the Race Relations Act 1976 was amended in 2003 and 2006.



## 4. Annex: Race Relations Board statistics



**Source:** Race Relations Board Annual Reports [accessed via UK parliamentary papers]

**Notes:**

Some complaints were out of scope by virtue of dating prior to legislation

The Race Relations Board switched from reporting for financial years to reporting for calendar years in 1972

The Race Relations Board ceased reporting on whether cases were within or outside of scope in 70/71

Note that from 68/69 cases concerning employment are not covered by these statistics as they were dealt with by industry machinery

In 66/67 and 67/68 'discrimination found' is taken to mean those cases that were settled by conciliation and those referred to the Race Relations Board/ Attorney General

In 68/69 a large number of cases were marked as being 'under investigation'

Data for 1975 runs from January to June

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