

INTERNATIONAL  
CONVENTION  
ON THE ELIMINATION  
OF ALL FORMS OF  
RACIAL DISCRIMINATION



CERD

Distr.  
GENERAL

CERD/C/66/Add.13  
12 May 1980

Original: ENGLISH

COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION  
Twenty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 9 OF THE CONVENTION

Sixth periodic reports of States Parties due in 1980

Addendum

UNITED KINGDOM<sup>1/</sup>

[5 April 1980]

The Sixth United Kingdom Biennial Report to the United Nations Committee on the Elimination of Racial Discrimination is presented in four parts. Copies of the Race Relations Act 1976, to which this Report refers extensively, were distributed with the Fifth Report.

Part I contains information on the legislative, judicial, administrative and other measures that have been adopted and that give effect to specific provisions of the Convention set out as requested by the Committee in document CERD/C/R.12.

Part II contains further relevant information and also replies to points raised by the Committee in August 1978, as recorded in CERD/C/SR.398 and 399.

Part III gives an account of developments in Dependent Territories. This Part will be presented to the Committee at a later stage as not all replies have been received from the Dependent Territories.

Part IV consists of the annexes to Parts I and II, together with a list of the relevant documentation.

<sup>1/</sup> For previous reports submitted by the Government of the United Kingdom and the summary records of meetings of the Committee at which such reports were considered, see:

- (1) Initial report - CERD/C/R.3/Add.14 and Corr.1 (CERD/C/SR.42, 43, 56 and 57);
- (2) Second periodic report - CERD/C/R.30/Add.28 (CERD/C/SR.156-158);
- (3) Third periodic report - CERD/C/R.70/Add.34 (CERD/C/SR.244-245 and 248-249);
- (4) Fourth periodic report - CERD/C/R.90/Add.30 (CERD/C/SR.348-349);
- (5) Fifth periodic report - CERD/C/20/Add.17 and Add.26 (CERD/C/SR.398-399).

PART I: RACE RELATIONS ACT 1976

The chief instrument for the implementation of the Convention in Great Britain is the Race Relations Act 1976, an account of which was given to the Committee in 1978. The present Government reaffirmed its commitment to the principles of the Act on taking office in May 1979. The following paragraphs present information about it in the prescribed form.

1. Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:

(a) Article 3:

Section 1(2), read with other relevant provisions of the Race Relations Act 1976, makes the practice of racial segregation unlawful. Read for example with section 21, the subsection would make it unlawful to segregate housing on racial lines. The practice of apartheid has however never been known in the United Kingdom.

(b) Article 5:

Under the Race Relations Act 1976 both direct and indirect discrimination on racial grounds (defined as colour, race, nationality, or ethnic or national origins) are unlawful in a wide range of circumstances which include employment, education and the provision of goods, facilities and services including housing.

(c) Article 6:

Discrimination is a full civil wrong. Anyone who considers he has been the victim of unlawful discrimination has the right to take his complaint direct to a county court (a sheriff court in Scotland) or, if it is an employment case to an industrial tribunal. Information about recourse procedures is widely available to all members of the public. Guidance may be sought from the Commission for Racial Equality (a Government sponsored organization) which has published leaflets on the subject, as well as from citizens' advice bureaux, local community relations councils and the police..

A person who wishes to pursue his complaint can seek professional help in the normal way, for example from his trade union. A person whose income and capital are within certain limits may obtain legal advice from a solicitor at little or no cost under the Legal Aid Acts, whether or not he intends to bring proceedings. Similarly a person who wishes to pursue his claim through to a county court may be entitled to financial assistance under the legal aid scheme. Legal aid is not, however, available for proceedings before an industrial tribunal, where the intention is that complaints should be resolved with the minimum of legal formality. The Commission for Racial Equality also has power in some circumstances to assist individuals for example with advice, by seeking a settlement or by arranging legal assistance or representation.

If a county court finds there has been unlawful discrimination, it may issue an injunction, award damages or make an order declaring the rights of the parties. An injunction is an order by the court to a particular person or body to perform, or not to commit, or cease committing, acts specified in the injunction. Damages may include an award for any loss which cannot be precisely calculated, e.g. for injured feelings, as well as for expenses or other loss sustained by the claimant, e.g. for loss of earnings. There is a right of appeal to the Court of Appeal against the county court's decision. Similar procedures apply in Scotland, where there is a right of appeal to the Court of Session.

In England and Wales, complaints of racial discrimination in all except employment cases are heard in certain county courts "designated" under Section 67(1). Sixteen courts have been designated. These are mainly in the large conurbations where most members of the ethnic minority communities live. This will enable these courts to build up expertise in racial discrimination cases, with the assistance of expert assessors appointed under Section 67(4).

Powers to designate sheriff courts in Scotland for specific purposes already existed under Section 9 of the Sheriff Courts (Scotland) Act 1971. So far, it has not been exercised for cases under the Race Relations Act 1976.

Cases of alleged racial discrimination in the field of employment are heard before industrial tribunals. (For further information on such tribunals see Part II, 7). These are composed of a legally qualified chairman and two lay members who have knowledge or experience of employment in industry or commerce. At a tribunal hearing the complainant and respondent may be legally represented or assisted by a representative of a trade union or an employers' organization. If the tribunal decides in favour of the complainant it may make an order declaring the rights of the parties. It also has power to require the respondent to pay the complainant compensation (equivalent to damages in a county court) and to make a recommendation of obviating or reducing the adverse effect on the complainant of the discriminatory act. If a respondent fails to comply without reasonable justification the tribunal may increase the amount of compensation it has awarded. There is a right of appeal on a point of law against the decision of an industrial tribunal to the Employment Appeal Tribunal.

2. Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:

(a) Article 2(1)(a):

The Government has obligations not to discriminate in employment, education and in the provision of goods, facilities and services as other public authorities or institutions. Section 75(1) makes it clear that the provisions of the Act apply to acts by Ministers of the Crown and Government Departments. (For an explanation of section 41, which exempts from the scope of the Act acts done under the authority of law, see Part II, 2(c)). Local authorities share this obligation; furthermore, section 71 (see Part II, 5) places on them a duty to make arrangements to ensure that their functions are carried out with due regard to the need to eliminate unlawful racial discrimination, and to promote equal opportunities and good race relations.

(b) Article 2(1)(b):

Under sections 30, 31 and 33 of the Race Relations Act it is unlawful respectively to instruct, to induce or to aid a person to discriminate unlawfully against another. These provisions apply to the Government as well as to the private individual.

(c) Article 4(c):

For information on incitement to racial hatred and on the implementation of Article 4 see Part II, 3.

3. Information on the legislative, judicial, administrative measures that have been adopted and that give effect to the following provisions of the Convention:

(a) Article 2.1(c):

The Commission for Racial Equality, on which a separate note appears in Part II.1, has as one of its statutory duties the responsibility to keep the operation of the Race Relations Act under review, and has power under the Act to submit to the Government proposals to amend it. The Home Secretary's Advisory Council on Race Relations has the role of advising the Home Secretary on all aspects of the development and implementation of race relations policies. Details of the composition of this body were given in the Fifth Biennial Report of Her Majesty's Government.

Since its inception in 1977 the Council has undertaken a number of studies including

- an examination of the nature and extent of the disadvantages suffered by ethnic minorities and the measures which might be taken to remedy it.
- an examination of the Government's policies in the fields of employment, education, housing and the health and personal social services and the ways in which ethnic minority disadvantage in these fields is being remedied.

Recently the Council has considered the communications problems encountered by people in the ethnic minorities.

(b) Article 2.1(d):

The Race Relations Act 1976 makes racial discrimination unlawful in a wide range of circumstances. However, it was recognized that in order to eliminate discrimination it is not enough to rely on the enforcement of the law in individual cases. For this reason the Commission for Racial Equality was given strategic powers to conduct formal investigations for any purpose connected with its statutory duties of working towards the elimination of discrimination and promoting equal opportunities. (See Part II.1 for further information on formal investigations). The Commission may also obtain clarification of the law by providing assistance to any individual whose complaint raises a point of principle, and it has the sole right to bring legal proceedings against various infractions of the Act, including for example discriminatory practices.

(c) Article 3:

Comments at 1(a) above are relevant here.

(d) Article 4(a):

See Part II.3 for information on incitement to racial hatred, etc.

(e) Article 4(b):

See Part II.3 for information on incitement to racial hatred, etc.

4. Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:

(a) Article 2.1(e):

Section 44(1) of the Race Relations Act allows the Commission for Racial Equality to give financial or other assistance to any organization appearing to the Commission to be concerned with the promotion of equality of opportunity, and good relations between persons of different racial groups.

In the financial years 1978-79 and 1979-80 the Commission allocated between £1m - £1<sup>1</sup>/<sub>2</sub>m to grants under this section to provide support for the over one hundred community relations councils which exist over the country. These councils are voluntary organizations which work towards the elimination of discrimination and promote equal opportunities in a particular locality. A typical community relations council is provided with office facilities by its local authority while the Commission pays for the salary of one or more full time professional community relations officer.

(b) Article 2.2:

The Commission makes grants under section 44(1) under two further budgetary heads: "project aid" and "self-help". "Project aid" grants are supplied to projects which applicants can show to be concerned with equal opportunities and good race relations. A list of grants made under this head from January 1978 to March 1979 appears at Appendix 4 of the Commission's 1978 Annual Report (Annex A). Projects receiving grants from the "self-help" fund are aimed at providing training, counselling or supplementary education to young people between the ages of 13 and 25 years drawn largely from the Afro-Caribbean community. A list of such grants made in the period April 1978 - March 1979 appears as Appendix 5 of the 1978 Annual Report. The total value of grants under the project aid and self-help scheme amounted to some £850,000 in 1978/79 and £1m in 1979/80.

(c) Article 7:

The Commission for Racial Equality has power to take action and persuade public opinion under section 45(1) of the Act. A list of the Commission's publications appears at Appendix 7 of their 1978 Annual Report. These include free publications explaining the provisions of the Act and the functions of the Commission, as well as guidance for example to employers, teachers and local authorities on what constitute good equal opportunity practice.

Under section 47(1) of the Act the Commission has power to issue codes of practice, which are admissible as evidence in legal proceedings, in order to eliminate racial discrimination and promote equal opportunities in the field of employment. Such a code is at present in course of preparation.

The Commission is also involved in training community relations workers; in the representation of ethnic minority views in the media; and in advertising.

PART II: SUPPLEMENTARY INFORMATION

CONTENTS LIST

1. Race Relations Act, 1976: the Commission for Racial Equality
2. Race Relations Act, 1976: Exceptions
3. Incitement to Racial Hatred
4. Immigration and Nationality
5. The Role and Obligation of Local Authorities
6. The Ethnic Breakdown of the Population of the United Kingdom
7. Race Relations Act, 1976: Employment Provisions
8. The Promotion of Equal Opportunity in Employment
9. Training for Unemployed Immigrants
10. Unemployment amongst Ethnic Minority Groups
11. Specific Training of Young People in Aspects of Racial Tolerance
12. Committee of Enquiry into the Education of Children from Ethnic Minority Groups
13. Extension of the Race Relations Acts to Northern Ireland.

PART II: SUPPLEMENTARY INFORMATION (continued)

1. RACE RELATIONS ACT 1976: THE COMMISSION FOR RACIAL EQUALITY

As the United Kingdom Representative observed in the introductory statement to his last appearance before the Committee, (CERD/C/SR.398, para.3) British legislation against racial discrimination dates from 1965 and over a period of time has had a substantial effect. The 1976 Act has been in force only since June 1977 and it is too soon to estimate its impact. It is possible, however, to give an account of how the new powers have been used.

In framing the provisions of the 1976 Act the Government put a heavy responsibility on the Commission for Racial Equality. Its statutory duties are:

- (a) to work towards the elimination of discrimination;
- (b) to promote equality of opportunity, and good relations, between persons of different racial groups generally; and
- (c) to keep under review the working of the Race Relations Act.

The Commission currently has an annual budget of about £6 million, and it employs some 230 staff (not including the many local community relations officers whose salaries are paid by the Commission). It occupies offices in central London and has regional offices in Birmingham, Manchester, Leicester and Leeds. There are 15 members of the Commission, appointed by the Home Secretary, including seven representatives of the ethnic minorities. They are drawn from both sides of industry, education, local government, etc.

Formal Investigations

The Commission has power to conduct formal investigations for any purpose connected with its statutory duties. For the purposes of a formal investigation the Commission has the power to require the production of information and evidence, and any person who fails to comply with a demand for information or evidence may be punished under the criminal law. If in the course of a formal investigation the Commission discovers discriminatory acts or practices, it has powers to serve a "non-discrimination notice" requiring a person to observe the law. If a person fails to comply with a non-discrimination notice the Commission may seek an injunction from a court requiring compliance. Failure to comply with an injunction is contempt of court.

A strategy statement published shortly after the Commission was established attached great importance to the formal investigation as a weapon in the fight against discrimination, and the Commission has launched an ambitious programme of formal investigations. In the period ending in December 1979 the Commission had started 37 formal investigations of which about one half were in the field of employment and the others in housing, goods, facilities and services and education. In the same period, seven of the investigations were concluded, and in each case the Commission issued a non-discrimination notice requiring the respondent in the investigation not to act unlawfully. Further details appear in the Commission's 1978 Annual Report.

### Assistance to Complainants

Under section 66 of the Race Relations Act, the Commission has an obligation to consider all applications for assistance from individuals who complain of discrimination and a discretion in certain **circumstances** to assist them. During 1978 a total of 1,033 formal applications for assistance were received, 699 of them concerning employment, as well as about 2,000 informal enquiries. Of the 952 applications formally considered in 1978, the Commission offered legal representation in 137 cases and representation by the Commission itself in 33; extensive advice in 334 cases; and initial advice in 223 cases. Twenty-one examples of complaints are given in Appendix 11 of the Commission's 1978 Annual Report. Figures for 1979 are not yet available.

### Independence of the Commission

The Commission for Racial Equality is independent of the Government and is therefore free to criticise Government actions or policy. The Commission's powers to conduct formal investigations and to assist victims of discrimination are exercised by the Commission without reference to the Government; any alteration of these powers, or to the statutory constitution of the Commission, would need an amendment to the law to be passed by Parliament.

## 2. RACE RELATIONS ACT 1976: EXCEPTIONS

Apart from the provisions which ensure that, in accordance with Article 1(4) of the Convention, racial minorities may benefit from positive action designed to allow them genuine equality of opportunity, the exceptions to the principle of non-discrimination set out in the Act may be described under the following headings:

### (a) Exceptions to protect personal and intimate relationships

Racial discrimination occurs by definition when an individual or group decide to treat one person differently from another on racial grounds. It was not considered appropriate for the law to intrude on purely personal and intimate relationships or in transactions between one individual and another. Accordingly, section 21(3) of the Act exempts a person from the requirement not to discriminate in the disposal of premises if he neither advertises nor employs an estate agent for the disposal of the premises. Section 23(2) exempts from the requirement a person who takes into his home and treats as members of his family children, elderly people or people in need of a special degree of care and attention. Section 22 exempts a person if he or a near relative of his lives and intends to continue living on the premises and shares accommodation with other persons living there who are not members of his household if the premises do not normally contain residential accommodation for more than three households (including that of the inhabitant) or six persons (excluding the inhabitant's household). Section 25 (on page 12).

### (b) Exceptions to prevent manifest anomalies and absurdities

Section 26 allows discrimination by a club or association where the main object of the club or association is to enable the benefits of membership to be enjoyed by persons of a particular racial group provided it is defined otherwise than by reference to colour. This ensures that the existence of, e.g. Irish or Indian clubs or associations does not infringe the law. Section 34 allows a charity to confer



benefits on persons of a particular racial group provided it is not defined by colour. Section 39 permits discrimination, though only on the basis of nationality, place of birth or length of residence in an area or place, in the selection of a person or a team to represent a country, area or place, or any related association, or any sport or game; or in pursuance of the rules of any competition relating to eligibility to compete in a sport or game. In Section 25 small clubs with less than 25 members are also exempt from the provisions of the Act, in order to avoid interference with the kind of regular social gathering which is genuinely private and domestic in character.

(c) Exceptions for acts done under statutory authority

The provisions of the Act apply to acts done by Ministers of the Crown or Government Departments (Section 75(1)). However, there is a general exception under section 41(1) for discrimination in pursuance of any statute subordinate instrument or Order in Council; or in order to comply with any condition or requirement imposed by a Minister of the Crown by virtue of a statute. Also excepted under section 41(2) is discrimination on the basis of nationality, place of ordinary residence or length of residence in or outside the United Kingdom or in an area within the United Kingdom, where the discrimination is in pursuance of arrangements made by, or with the approval of, or for the time being approved by, a Minister of the Crown, or in order to comply with a condition imposed by a Minister of the Crown. For example, Section 2(1) of the European Communities Act 1972 obliges the Government to give nationals of European Community states preferential treatment in certain respects. Eligibility for awards or benefits in education or in the National Health Service may depend on a residence requirement. Section 41 has therefore been included in the Act to remove areas of possible doubt or conflict in the law.

(d) Employment Exceptions

The exceptions for employment cover only certain carefully defined and limited circumstances. There is no general exception covering firms with five or less employees (as suggested in para. 7 of CERD/C/SR.398).

The Act in general does not apply to intimate and personal relationships and, as employment for the purposes of a private household often involves such relationships, it was excluded from the Act's application (Section 4(3)),

Sections 5(2) (a), (b) and (c) of the Act cover those instances where, for reasons of authenticity, the essential nature of the job (acting, modelling or working in a place where food is consumed) calls for the employment of a person of a particular colour, race or national origin - for example acting the roles of Queen Victoria or Martin Luther King, or being a waiter in a restaurant providing meals in a particular ethnic or national setting. Section 5(2) (d) covers work where the job holder provides persons of a racial group with personal services promoting their welfare and this can most effectively be done by someone of the same race as that group. For example a West Indian social worker dealing with disturbed or alienated West Indian adolescents. The exception provides that employers may discriminate on racial grounds in recruitment or training for and in promotion or transfer to such jobs. It does not apply when an employer already has other employees who can reasonably be expected to

do the jobs concerned but does apply where only some of the duties of the job fall within one of the categories. Sections 7(3) and 10(3) permit similar action by principals and partnerships. In any proceedings, the onus of proving that any discrimination is within scope of these exceptions lies on the employer.

Section 6 excepts an employer where he provides work designed to give an employee who is not ordinarily resident in Great Britain training in skills to be used wholly in a country other than Great Britain. It protects arrangements made as part of training and trade agreements between government departments and private companies with overseas governments and organizations - for example allocating certain training places to nationals of developing countries so that they are able to use technical equipment purchased by those countries.

Section 9 generally excepts an employer or principal from the provisions of the Act in respect of acts relating to the employment on a ship of a person who applied or was engaged for that employment outside Great Britain. Historically there have been distinctions between the wages and personal facilities afforded to British and foreign (principally Asian) seamen. To bring these in line immediately would have created difficulties; until this could be done the exception was included in the Act as a temporary measure (S73(1) (a) provides for its amendment or repeal). The Government set up a working party to consider the phasing out of practice pay rates. Their report recommended that the wages of non domiciled seamen be increased in stages. This is in the process of being implemented and progress is to be reviewed in 1980.

Section 10 makes unlawful discrimination by firms of six or more partners in relation to positions as partners. Partnerships of five or less are excluded because these involve close personal relationships to which the Act does not, in general, apply.

Section 14(4) permits employment agencies to discriminate in respect of employment which employers could lawfully refuse to offer applicants. It was necessary because without it agencies would have had to submit persons of all racial groups for jobs where exceptions apply, e.g. in private households.

Section 37 allows certain training bodies to train or encourage only persons of a particular racial group for particular work in which in the preceding 12 months they had been under-represented in comparison with the proportion of persons in that group in the population. Section 38 allows, subject to similar conditions (1) training by employers in respect of employees and by organizations of workers and employers and professional organizations in respect of members and (2) encouragement in respect of potential employees and members. The purpose of these sections is to allow encouragement and training to be confined to members of a particular racial group who might be at a disadvantage in employment, to enable them to compete on equal terms with others.

Section 75(5) permits employment which is generally covered by the Act to be restricted, in the service of the Crown or public bodies, to persons of particular birth, nationality, descent or residence. Such restrictions are regarded as necessary on grounds of security.

### 3. INCITEMENT TO RACIAL HATRED

This note on incitement covers aspects of three points on which specific views were requested:

- (i) the working of the 1976 Race Relations Act, including information on court cases;
- (ii) an explanation of the role of the Attorney General in prosecutions under the incitement to racial hatred clause of the Act; and
- (iii) a considered statement of the British Government's present attitude on the implementation of Article 4 of the Convention, together with a response to the comments made by the Committee.

#### (i) Court Cases

Since the Race Relations Act came into force on 13 June 1977, a total of 15 persons have been prosecuted for incitement to racial hatred. Of these, nine have been found guilty by the courts. Details are attached.

#### (ii) The role of the Attorney General

In 1978 it appeared that the Committee was exercised about the possibility of a conflict between the requirement for the Attorney General to give his consent to a prosecution and the principle of individual access to the courts (CERD/C/SR.398, paras. 35, 36, 40 and SR.399, para.11). It was even suggested (SR.398, para.36) that this provision was inconsistent with Article 6 of the Convention. This, however, is not correct. Article 6 refers to the provision of "effective protection and remedies" against acts of racial discrimination and of "just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination". In Great Britain, the individual has an unqualified right of access to the civil courts and industrial tribunals where effective remedies are available to him and where he may seek just and adequate reparation or satisfaction, as required by the Convention. The Attorney General's consent is needed for a prosecution in the criminal courts for the offence of incitement to racial hatred, but for the reasons explained below this in no way impairs the individual's right to effective protection against acts of racial discrimination.

In most countries, the prosecution of criminal offences is a state function, usually exercised under the control of a Ministry of Justice. In English law, however, there is a general constitutional principle that any individual may bring criminal proceedings for any offence. The exceptional cases, where there are restrictions on private prosecutions, relate to offences of exceptional difficulty or exceptional importance, for example, incest or bribery. One particular factor which makes it desirable to have central control of prosecutions for incitement to racial hatred is the harm which could be done to race relations by allowing prosecutions which are doomed to fail but give an opportunity for the defendants to re-state their views in court, thereby attracting additional publicity for these views. Private prosecutions might bring the law into disrepute and could be a weapon in the hands of those who wish to increase racial tensions.

(iii) Implementing Article 4 of the Convention

The British Government is at present conducting a review of the Public Order Act 1936 and the related legislation, which includes the offence of incitement to racial hatred. It is too early to say what the Government's considered opinion will be, but the review will include the questions raised by the Committee, e.g. in CERD/C/SR.398, paras. 29, 35 of banning racist organizations and of striking a balance between the individual's freedom of expression and the protection of others.

<u>ACCUSED</u>	<u>VERDICT</u>	<u>DATE</u>	<u>SENTENCE</u>
Cole	NG	24.7.1978	-
Jones	NG (1)		-
Weston	G	26.7.1978	£50
Steven	No case	29.11.1978	-
Fenwick	to answer		-
Relf	G	30.1.1979	9 months (2)
Cole	G		6 months suspended + £250
Smith	No case	28.2.1979	-
Chynoweth	to answer		-
Knight (3)	G	23.5.1979	£1,000
Hernon (3)	G		£1,000
Pearce (4)	G (5)	1.6.1979	2 years conditional discharge + £50 costs
Hume (4)	G (5)		3 months detention
McLaughlin (4)	G	18.10.1979	4 months
Webster	G	30.10.1979	6 months suspended + £150 + some costs

(1) but G on another court

(2) as reduced on appeal

(3) charged with conspiracy to incite racial hatred

(4) also charged with conspiracy to incite racial hatred

(5) subject to appeal

#### 4. IMMIGRATION AND NATIONALITY

##### (a) Immigration

The United Kingdom Government published proposals for revision of the Immigration Rules in a White Paper on 14 November 1979. A copy of the new Rules, which came into effect on 1 March 1980 is at annex B.

The Committee will wish to note that the new Rules preserve the injunction that powers under the Immigration Act are to be exercised without regard to a person's race, colour or religion.

##### (b) Work Permits

New arrangements for the issue of work permits came into force on 1 January 1980. These have been based on the previously existing arrangements and are designed to protect the interests of the labour force including those of long-established migrants. Details of the new arrangements are attached.

##### (c) Nationality

The new nationality legislation which was envisaged in the United Kingdom's previous Biennial Report has not materialised. At the general election in May 1979 the incoming Government declared its intention to introduce new nationality legislation to define entitlement to British Citizenship and to the right of abode in the United Kingdom. The United Kingdom Government proposes to issue a White Paper outlining its proposals in greater detail later this year.

In making its legislative proposals the Government of the United Kingdom will have due regard to its obligations under the Convention on the Elimination of all Forms of Racial Discrimination and any other international instrument to which it is a party.

The present Citizenship of the United Kingdom and Colonies is held not only by people from the United Kingdom itself, but also by those from its dependencies, and in some cases from its former dependencies which have now become independent. The intention for the future is to create separate citizenships according to where people's connexions are, e.g. by birth, naturalisation etc. No one who is now a Citizen of the United Kingdom and Colonies will be made stateless, and no citizen who is lawfully settled in the United Kingdom would lose his right to live in the United Kingdom, as a result of this legislation.

#### NEW WORK PERMIT ARRANGEMENTS EFFECTIVE FROM 1 JANUARY 1980

Except as provided in the Immigration Rules made under the Immigration Act 1971, any person, other than a European Community national, subject to immigration control coming to work in the United Kingdom is required to have a work permit.

The prospective employer must apply for a work permit for a named overseas worker and for a specific job. The permit will be issued for an initial period not exceeding 12 months. Only workers between 23 and 54 years of age are eligible

for permits. A permit will not be issued if suitable resident labour is available to fill the post offered nor if the wages or other conditions of employment offered are less favourable than those obtaining in the area for similar work.

With the exceptions referred to later, permits will be available only for workers in the following categories who possess the necessary qualifications and experience which should normally have been acquired outside the United Kingdom.

- (a) those holding recognised professional qualifications;
- (b) administrative and executive staff;
- (c) highly qualified technicians having specialized experience; and
- (d) other key workers with a high or scarce qualification in an industry or occupation requiring specific expert knowledge or skills.

The worker will also be expected to have an adequate command of the English language.

In general, an application for a work permit will be considered only if the vacancy is in an occupation serviced by the State-run Professional and Executive Recruitment Service (PER) and which necessarily requires a worker having the qualifications referred to in paragraph 3 above. When applying for the permit the prospective employer must prove that a genuine vacancy exists, that no suitable resident labour is available and that he has made adequate efforts to find a worker from that source and from the European Community. The employer is expected to notify the vacancy to the nearest PER office, job-centre or employment office and to allow four weeks for a suitable worker to be found. He is also expected to advertise the vacancy in the press or appropriate trade and professional journals and to undertake to pay the travelling expenses of any worker resident within the United Kingdom who comes from a distance for a pre-arranged interview or to take up employment.

Work permits are available for highly skilled and experienced workers for senior posts in Hotel and Catering establishments who have successfully completed appropriate full-time training courses of at least two years' duration at approved schools abroad or, exceptionally, have acquired other specialized or uncommon skills and experience relevant to the industry.

Permits are available for entertainers and sportsmen, who meet the appropriate skills criteria (the lower age limit referred to in paragraph 2 does not apply to these permits). Professional sportsmen taking part in competitions of international standing do not normally require permits.

A permit may be issued to any person if in the opinion of the United Kingdom Government his employment is in the national interest.

Permits may be issued for on-the-job training or work experience with employers which can be put to use in the trainee's home country but not acquired there. This arrangement is primarily intended to benefit developing countries and their citizens. The training must be for a limited period, as far as possible agreed in advance, and extension of approval beyond one year will be given only if satisfactory progress is being maintained. Approval may also be given for employment in a supernumerary capacity, normally not lasting longer than a year, of young overseas nationals of countries outside the European Community who come here to widen their occupational experience and in some cases also to improve their knowledge of English. Overseas nationals will not be allowed to remain here for ordinary employment at the end of the approved period of training or work experience. The age limits and the resident labour requirement referred to in paragraph 2 do not apply to these permits.

Overseas students who wish to take paid employment in their free time or during vacations must first obtain the consent of the Department of Employment. A student must provide satisfactory evidence from his college that employment will not interfere with his course of study. Permission will only be given where there is no suitable resident labour available and the wages and conditions of employment are not less favourable than those obtaining in the area for similar work. An overseas student is not entitled to remain in the country for employment on completion of his studies except that overseas student and pupil nurses and pupil midwives trained by National Health Service Authorities and needed to meet their staffing requirements may be given permission to remain in employment as State Registered Nurses, State Enrolled Nurses or State Certified Midwives provided no suitable resident labour is available. The lower age limit referred to in paragraph 2 does not apply to nurses or midwives.

The holder of a work permit is not permanently restricted to the particular job for which the permit was issued but will be expected to remain in the same occupation and will require consent for any change of job. A change will only be approved if the proposed employment would have satisfied the relevant conditions for the issue of a permit to a person overseas.

Leave to remain may be granted by the Home Office to permit holders who continue in approved employment. After four years in approved employment they may apply to the Home Office for the removal of the time limit on their stay. If the time limit is removed they may take any employment they wish without authorization.

The arrangements under which a limited number of resident domestics and certain other semi-skilled or unskilled workers were allowed to come to the United Kingdom have been discontinued.

#### 5. THE ROLE AND OBLIGATIONS OF LOCAL AUTHORITIES

The provisions of the Race Relations Act 1976 apply to acts done by local authorities in the same way as it applies to acts done by private persons. In addition, section 71 imposes a duty on local authorities to make appropriate

arrangements with a view to securing that their various functions are carried out with due regard to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good race relations. (The Commission for Racial Equality has issued guidance to local authorities on the effects of section 71).

#### Section 11 of the Local Government Act 1966

Local authorities continue to make increasing use of financial assistance available, under section 11 of the Local Government Act 1966, to those authorities who have to make extra provision to meet the special needs of Commonwealth immigrants. As before, the majority of posts currently receiving grants are in the education or social services fields and include English Language teachers, nursery teachers and welfare officers in areas such as housing, public health and youth projects; grants are also available for library staff specifically to help ethnic minority users, and for teachers of ethnic music.

In February 1979 the previous Government proposed to replace section 11 by the Local Government Grant (Ethnic Groups) Bill, which would have given wider and more flexible power to pay grants to local authorities to help them meet the needs of ethnic groups in their areas. The Bill would have enabled grants to be paid to local authorities towards expenditure incurred for the purposes of removing disadvantages from which an ethnic group suffers; of securing that their services were as effective in relation to these ethnic groups as in relation to the rest of the community; and of promoting good relations between ethnic groups or between ethnic groups and the rest of the community. The Bill did not complete its passage before the Dissolution of Parliament. The present Government are reviewing the operation of section 11.

#### Vietnamese Refugees

Local authorities are currently providing specialized education in intensive English Language teaching to those refugees from Viet Nam accepted by the Government for permanent settlement in the United Kingdom. The Government has agreed to reimburse wholly the necessary expenditure incurred on education in reception centres, in which refugees are initially placed for a three to six month period of adjustment to the way of life in the United Kingdom, prior to permanent housing and employment being found for them.

#### 6. ETHNIC BREAKDOWN OF THE POPULATION OF THE UNITED KINGDOM

The largest groups of non-United Kingdom ethnic origin in the United Kingdom population are those people whose origins lie in the countries of the New Commonwealth and from Pakistan. A breakdown of this population is attached.

The mid-1971 estimate of the population of New Commonwealth and Pakistani ethnic origin was 1,371 thousand people, i.e. 2.5 per cent of the population of Great Britain. Of this number about 65 per cent were born in the New Commonwealth and Pakistan and 35 per cent born in the United Kingdom. These



two sections of the population had markedly different age structures, some 90 per cent of those born in the United Kingdom being aged under 15. Also, in 1971 males out-numbered females by more than 100,000 among the population born in the New Commonwealth and Pakistan, the main excess occurring among those aged over 30.

By mid-1976 the population had reached 1,771 thousand, i.e. 3.3 per cent of the population of Great Britain; 40 per cent of this number were born in the United Kingdom.

The table shows the breakdown of the population originating from NCWP into the different ethnic groups for both 1971 and 1976; it also shows the relative contributions of natural increase (the excess of births over deaths) and net migration to the overall change. The largest proportional increase in population over the five year period has been in those of Asian origin from Africa (mainly East Africa), estimated to have increased from 68,000 in mid-1971 to 160,000 in mid-1976. Most of this increase was due to migration, particularly of United Kingdom passport holders subject to immigration control. The population from the American New Commonwealth (consisting mainly of West Indians) were the first to arrive in this country in substantial numbers and are now the oldest established sector of the overall community of New Commonwealth and Pakistan origins living here. This group was unique in that net migration did not contribute anything to population growth.

#### 7. RACE RELATIONS ACT 1976: EMPLOYMENT PROVISIONS

The Commission for Racial Equality has a statutory duty to keep under review the workings of the Act and will no doubt inform the Government if it feels that changes are needed. No substantial problems have arisen in the first two years of its operation. A recent ruling by the House of Lords (*Nasse v Science Research Council* and *Vyas v Leyland Cars*) will help to overcome any problems which may be caused by the fact that documents indicating that discrimination has taken place may be held by employers (e.g. where the details of other candidates for promotion are concerned); in this case, their Lordships said that such documents should be inspected by members of the tribunal and, where they consider that "discovery is necessary for disposing fairly of the proceedings", passed to the complainant. Copies of analyses of applications to industrial tribunals under the employment provisions for the periods 13.6.77-30.6.78 and 1.7.78-30.6.79 are at Annexes C and D.

Population in the United Kingdom of ethnic groups originating in  
New Commonwealth and Pakistan mid-1971 and mid-1976

(Thousands)

Ethnic Origin	Mid-1971 Population	Element of Population Change			Mid-1976 Population	Percentage Increase
		Births	Deaths	Net Migration		
Indian	307	62	7	28	390	27
Pakistani	171	43	3	35	246	44
(Including Bangladesh)						
Africa CW						
African	69	16	1	13	97	41
Asian	68	9	1	84	160	135
American NCW	553	64	8	5	604	9
Mediterranean CW	140	18	3	4	159	14
Remainder NCW	63	17	1	36	115	83
Total NCWP	1 371	229	24	195	1 771	29

Great Britain

8. THE PROMOTION OF EQUAL OPPORTUNITY IN EMPLOYMENT

A number of steps have been taken in the last two years to promote equal opportunity in employment:

(a) In June 1978 The Commission for Racial Equality (CRE) published guidelines for the introduction and monitoring of equal opportunity policies for the use of employers.

(b) Section 47 of the Race Relations Act 1976 provides that the Commission for Racial Equality may issue codes of practice giving guidance on the elimination of discrimination and the promotion of equality of opportunity in the employment field. In preparing the Code the Commission are required to consult appropriate organizations, to publish a draft code and to consider representations. The Commission has recently conducted consultations and is expected to publish the draft code early in 1980. Under Section 47 they are finally required to submit the Code to the Secretary of State for Employment who, if he approves of it, must lay it before the House of Parliament or, if he does not, must publish his reasons for withholding approval. The Act provides that the Code will be admissible in evidence at tribunal proceedings and, if any of its provisions appear to be relevant to questions arising, may be taken into account when these are determined.

(c) In 1979 both the Trades Union Congress and the Confederation of British Industries published equal opportunity statements for the guidance of their members.

(d) The planned expansion of the Department of Employment's Race Relations Advisory Service to 26 full-time advisers, referred to in the last report (CERD/C/20/Add.17) was duly achieved. The broad role of the Advisory Service is to promote racial equality and harmony in employment and to give general support to the Department of Employment and associated agencies on matters related to race relations in employment. In the 12 months ending September 1979 advisers visited over 1,200 firms in Great Britain to offer advice and practical assistance to employers on a wide range of issues that can arise in the employment of a multi-racial workforce. The advisers also perform an educative role by conducting talks, seminars and training sessions involving staff from the Department of Employment Group, representatives from both sides of industry and a variety of other public contacts. The Service maintains close working links with a number of bodies active in the employment field, including Community Relations Councils, Language Training Units and ethnic minority organizations.

(e) The Race Relations Employment Advisory Group was established by Department of Employment Ministers in October 1977 to provide a forum for the continuing review of employment policy in the light of the special needs of the ethnic minorities. It is currently chaired by the Minister of State for Employment and its membership comprises the Chairmen of the Commission for Racial Equality, the Manpower Services Commission, and the Arbitration, Conciliation and Advisory Service; the Director of the National Centre for Industrial Language Training; two representatives from both the Confederation of British Industry and the Trade Union Congress; one local authority representative; and four members of the ethnic minorities.

The Advisory Group's terms of reference are "To consider, and to advise Department of Employment Ministers on matters relating to the employment of members of the ethnic minorities". It has addressed itself to practical issues and, among others, has:

1. contributed to the initial round of consultations (required under Section 47 of the Race Relations Act, 1976) on the Commission for Racial Equality's draft Code of Practice;
2. requested the Institute of Personnel Management to present its discussion paper on the recruitment of ethnic minority workers which, following the Group's discussions, was later expanded by the Institute to cover both race and sex equality;
3. undertaken discussions on the Religious Observance by Muslim Employees, which has culminated in a guidance paper being prepared, for selective distribution, by the Commission for Racial Equality.

#### 9. TRAINING FOR UNEMPLOYED IMMIGRANTS

The Training Service Division of the Manpower Services Commission provides vocational training embracing about 500 courses at its own Skillcentres, at colleges and in employers' establishments, for unemployed people, including immigrants, provided their stay in Great Britain is not subject to time and/or work restrictions. It also provides preparatory courses, which are vocationally oriented and designed to help people whose standard of literacy, numeracy or spoken English prevents them from obtaining or keeping a job or being able to assimilate vocational training. In many areas with high immigrant populations some preparatory courses are wholly devoted to English as a Second Language.

##### (i) INDUSTRIAL LANGUAGE TRAINING

Twenty-seven local Education Authorities are now operating local industrial language training services. Since October 1978 these have been funded 100 per cent by the Training Services Division of the Manpower Services Commission under Section 2 (2) (d) of the Employment and Training Act 1973. The increase in funding from its previous level of 75 per cent has brought about a significant strengthening of the service nationally. The local units are now better staffed and equipped, geographical coverage is improving and co-operation between the local services is increasing. More attention is now to be paid to the national promotion of the service, to the assessment of workplace training needs, to securing the confidence and co-operation of trade unions and workers and to the processes of monitoring and evaluation.

The Industrial Language Training Service is organized as a form of in-company training and aims to improve communication skills by:

- (a) improving the English Language skills of workers from overseas in ways relevant to their work and workplace;
- (b) providing supervisors, trade unionists and others with background information and skills relevant to effective communication in a multi-lingual situation;
- (c) assisting managers with information and analysis which is relevant to appropriate practice in matters which are affected by difficulties of language and communication, e.g. selection, induction, training and promotion procedures.

There is a commitment to a practical and identifiable task (improvement of communication skills) which will enable a better use to be made of manpower and also increase opportunities for individuals.

The following is a summary of the work done since the scheme was launched nationally in 1975:

	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>
<u>Workplaces</u>				
Number of employers providing projects	34	84	145	150
<u>English language courses</u>				
Number of trainees	600	1 607	2 176	2 000
<u>Courses on background and communication skills</u>				
Number of supervisors and managers	180	720	1 278	1 500
Number of shop stewards and trade union officials	50	370	188	120

Testing the English language ability of applicants born overseas is becoming an increasingly widespread practice and a few employers have been seeking help from the scheme.

The National Centre for Industrial Language Training (NCILT) has continued its close support of the Training Services Division in the development of national Industrial Language Training (ILT) Services. In addition it has provided training of local education authorities' (LEA) staff employed on ILT, has developed and disseminated teaching materials, provided a resources and information service for the LEAs and the local units and generally liaised with and serviced them. This work will continue, and in the coming year NCILT will also pay particular attention to the national promotion of the services and to monitoring and evaluation processes. It will also be working on the setting up of a Council of Europe project on self study methods for students in ILT.

A project for the Runnymede Trust to develop a complete training package for trainers, covering every aspect of supervising a multi-racial workforce, has been authorised by the Training Services Division for some time; work on this nine-month project commenced on 1 February 1980.

#### (ii) SPECIAL TRAINING PROGRAMMES AIMED AT UNEMPLOYED YOUNG IMMIGRANTS

The Youth Opportunities Programme (YOP) is run by the Special Programme Division (SPD) of the Manpower Services Commission (MSC). Its basic philosophy is to meet the personal needs of individual unemployed young people as they seek to secure permanent employment. Those needs are greatest among disadvantaged young people and young people from ethnic minorities. The aim of the programme is to offer unemployed 16 to 18 year olds opportunities of training and work experience that will improve their prospects of obtaining a satisfactory permanent job at the earliest possible moment and will provide a real and constructive alternative to unemployment. The programme offers three different types of work preparation course:

- (a) short training courses;
- (b) wider opportunities courses;
- (c) work introductory courses;

and four different types of work experience:

- (a) work experience on employer's premises;
- (b) community service;
- (c) project-based work experience;
- (d) training workshops.

The basic criteria for all schemes should include elements of induction, planned work experience, opportunities for training and further education, personal counselling or support. The level of success in recruiting young people to the programme and finding them permanent jobs is a considerable tribute to the Careers and Employment Services.

There are some groups of young people who are disproportionately affected by unemployment or who for other reasons have specific needs to be catered for. One of these groups is young people from ethnic minorities. Special Programmes Division set up a working group which has published its report, "Ethnic minorities and the Special Programmes - the problems, the needs and the responses". The report gives examples of various schemes which were developed to meet the needs of young people from ethnic minorities. It makes suggestions and recommendations on ways and means of developing similar projects. A copy of the printed report is at Annex E.

SPD's Special Temporary Employment Programme is aimed at those over 18 years of age and is designed to provide temporary employment for those suffering from prolonged unemployment. A major part of its client group consists of those who have been unemployed for more than six months and are aged between 19 and 25. The Programme is also aimed at areas in special need of assistance. Important amongst these are inner city areas which tend to have a high proportion of immigrant groups.

In 1978 the Government of the United Kingdom in conjunction with the Manpower Services Commission (MSC) undertook to try to ensure that no school leaver during the current academic year would remain unemployed at Easter the following year without the offer of a suitable place in the programme. This undertaking was completely discharged in the vast majority of areas and largely met in the few remaining areas of traditionally high youth unemployment. In order to meet this undertaking the MSC and the Commission for Racial Equality established a "Task Group" in February 1979 with the aim of encouraging the development of schemes, particularly those sponsored by self-help groups for young people from the ethnic minorities. The Task Group planned to focus its attention on particular areas of the country where there was high ethnic minority unemployment and where there was concern about a shortfall on the "Easter undertaking". The Task Group continued for a period of four months, producing a report which made a number of recommendations for improving ethnic minority participation in the programme. The recommendations were subsequently approved by the MSC. Whilst the work of the Task Group has now been completed, members of the group continue to meet in order to monitor both the implementation of the recommendation and the participation of ethnic minorities in the programme as a whole.

# 10. UNEMPLOYMENT AMONGST ETHNIC MINORITY GROUPS

Statistics on the number of people from certain minority groups who are registered as unemployed in Great Britain are collected at quarterly intervals by the Department of Employment (separate arrangements exist for the collection of minority unemployment statistics in Northern Ireland). The unemployed who are included in the count are those who were born in, or whose parent or parents were born in, certain countries of the Commonwealth and Pakistan. These statistics enable an assessment to be made of the progress towards equal opportunity for all regardless of racial origin. The following table provides the most recent information available and the comparable figures for the preceding two years:

	Nov. 77	Nov. 78	Nov. 79
(a) Great Britain total unemployed	1 437 963	1 330 794	1 292 284
(b) Great Britain Minority Group	53 100	48 122	48 420
(c) (b) as per cent of (a)	3.7	3.6	3.75

It will be noted that between November 1977 and November 1979 the total number of unemployed fell by 10.1 per cent whereas the corresponding fall for ethnic minorities was 9.4 per cent. The proportion of ethnic minority unemployed to the total has therefore marginally increased. There has been no recent national statistical survey of the size, structure and distribution of the ethnic minority population. Thus the size of the ethnic minority population available for employment is unknown and, in consequence, it is impossible to establish whether this sector of the total population is disproportionately unemployed. However, in examining the statistics that are available, it is important to bear in mind that this population is increasing, both in absolute numbers and relatively to the population as a whole.

## 11. SPECIFIC TRAINING OF YOUNG PEOPLE IN ASPECTS OF RACIAL TOLERANCE

The English education system is decentralized, with the curriculum being the responsibility of local education authorities, although detailed aspects are often devolved to school governors, head teachers and their staff. Consequently, the response to the need for education in racial tolerance varies between authorities and between schools.

In 1977 the Department of Education and Science initiated a review of local authorities' arrangements for school curricula which included a question on how authorities helped schools to promote racial understanding. The replies to this question (published in the report "Local Authority Arrangements for the School Curriculum" in November 1979 at Annex F) showed that the importance of this aspect of education is widely appreciated. The main points of interest are as follows:

### (a) Curriculum

A general point made by many authorities was that action to promote racial understanding needed to extend across the whole curriculum. Some authorities have issued, or have encouraged schools to issue, policy documents or guidelines on education for racial understanding and some have sent information about the Race Relations Act 1976 to all their schools. A number of authorities have a multicultural study and resources centre.

### (b) Staff

There are many in-service courses for teachers in multicultural education, as well as courses in other subject areas, such as religious education and the humanities, which may also cover aspects of racial understanding. A number of authorities have appointed advisers with special responsibilities for multiracial or multicultural education. Some authorities encourage where possible the appointment of teachers or other staff who themselves come from ethnic minority groups, both to assist in meeting the special needs of pupils from those communities and to introduce indigenous pupils to people from other cultural backgrounds.

### (c) Involvement of the local community

Various methods of involving the local community were described, e.g. arrangements for co-operation with local community relations councils; liaison with ethnic minority groups; involvement of parents of ethnic minority children with the schools; and promotion of the ethnic arts. Several authorities referred to the value of links with national bodies in the field.

## 12. COMMITTEE OF INQUIRY INTO THE EDUCATION OF CHILDREN FROM ETHNIC MINORITY GROUPS

In 1977 the Select Committee on Race Relations and Immigration produced a report on "The West Indian Community" (HC 180 - 1 - 111 HMSO 17/2/77). A list of the recommendations is at Annex G. In the report the Committee expressed considerable concern about the educational difficulties experienced in United Kingdom schools by children of West Indian origin and recommended that "as a matter of urgency the Government (should) institute a high-level and independent inquiry into the causes of the under-achievement of children of West Indian origin in maintained schools and the remedial action required."



The then Secretary of State for Education and Science sought the views of a wide range of interested bodies on the Select Committee's recommendations. The majority of comments received favoured the establishment of a Committee of Inquiry but felt that its remit should be widened to give consideration to the educational needs of children from all ethnic minority groups, and not only West Indians. In response to this report the last Government published in April 1978 a White Paper entitled "The West Indian Community" (Comnd 7186) (Annex H) in which it announced its intention to set up an independent Committee of Inquiry with this wider remit, but with priority given to the particular needs of children of West Indian origin.

The Committee's terms of reference, finalized after consultation between the Department of Education and Science and interested bodies, were announced on 26 July 1979. They are as follows:

"Recognizing the contribution of schools in preparing all pupils for life in a society which is both multiracial and culturally diverse, the Committee is required to:

review in relation to schools the educational needs and attainments of children from ethnic minority groups taking account, as necessary, of factors outside the formal education system relevant to school performance, including influence in early childhood and prospects for school leavers;

consider the potential value of instituting arrangements for keeping under review the educational performance of different ethnic minority groups, and what those arrangements might be;

consider the most effective use of resources for these purposes and to make recommendations.

In carrying out its programme of work, the Committee is to give early and particular attention to the educational needs and attainments of pupils of West Indian origin and to make interim recommendations as soon as possible on action which might be taken in the interests of this group."

The Chairman of the Committee is Mr. Anthony Rampton, OBE, Chairman of a mail order firm and a Trustee of the Runnymede Trust. His appointment was announced on 22 March 1979. A list of the remaining members of the Committee is attached.

The Committee, which first met in June 1979, has divided its work amongst six specialist sub-committees as follows:

Language

School to Work

Teacher Education

Pastoral Care and Pre-School Influences

Curriculum, Examinations and Monitoring

Special Provision (including all non-mainstream provision).

Each sub-committee will be giving priority to the under-achievement of children of West Indian origin and is at present seeking specific evidence along these lines. In the meanwhile the main Committee has called for more general evidence from a wide range of interested bodies at both national and local level as well as the media.

The Committee have undertaken to present an interim report on the under-achievement of children of West Indian origin to the Secretary of State for Education and Science by the end of 1980. It is envisaged that the final report will be issued approximately two years later.

COMMITTEE OF INQUIRY INTO THE EDUCATION OF CHILDREN FROM ETHNIC MINORITY GROUPS  
(RAMPTON COMMITTEE)

The membership of the Committee is as follows:

Chairman

Mr. A. Rampton - Chairman, Freemans Mail Order Company, Trustee of the Runnymede Trust.

Members

Mr. J.P. Athisayam - Councillor, London Borough of Camden, Behavioural Scientist.  
Mr. T. Carter - Head of Commerce Department, Brooke House School, London.  
Mrs. L. Chapman - Head, Eastwood Infant School, Keighley.  
Ms. Y. Collymore - Freelance writer, Executive Secretary Caribbean Communications Project.  
Mrs. A. Dummett - Research worker, Joint Council for Welfare of Immigrants.  
Mr. C.G. Duncan - Deputy Head, Sidney Stringer School and Community College, Coventry.  
Mr. B. Evans - Head, Tulse Hill School, London.  
Baroness Faithfull - Formerly Director of Social Services, Oxford City Council.  
Mr. M. Feeley - Adviser for Multicultural Education, Coventry LEA.  
Mrs. S. Flather - Magistrate, Councillor, Windsor and Maidenhead, involved in community relations.  
Professor E. Hawkins - Recently retired, formerly Director of Language Teaching Centre, University of York.  
Father M. Hollings - Parish Priest, Notting Hill.  
Mrs. D. McAuslan - Health Visitor, Coventry.  
Mr. P.K.C. Millins - Until recently Director of Edge Hill College of Higher Education, Ormskirk, Lancs.  
Mr. P.A. Newsam - Education Officer, ILEA.  
Dr. B. Parekh - Senior Lecturer, Department of Political Studies, University of Hull.  
Mr. J. Phillips - Chairman, Distributive Industry Training Board.  
Mr. E.J.B. Rose - Chairman, Penguin Publishing Company.  
Mr. A.J.B. Rowe - Freelance Consultant, until recently Director of Community Affairs Department, Conservative Central Office.  
Mrs. Y. Sheikh - Peripatetic teacher of English as a Second Language, Croydon.  
Mr. B.L. Baish - Department of Education and Science (Assessor).  
Mr. E.J. Bolton - Her Majesty's Inspectorate (Assessor).

Secretary

Mr. D.G. Halladay

### 13. EXTENSION OF RACE RELATIONS ACTS TO NORTHERN IRELAND

The Race Relations Acts 1965, 1968 and 1976 do not extend to Northern Ireland for reasons which are both practical and historical/constitutional.

Northern Ireland is a part of the United Kingdom, but from its inception in 1921 until 1972 it possessed, alone amongst the regions of the United Kingdom, a directly elected subordinate Parliament and Government which empowered to provide for the peace, order and good government of Northern Ireland, subject to certain limitations. Broadly speaking the Northern Ireland authorities were responsible for all matters except for stated exceptions such as defence, international relations and national finance which were dealt with by the national Government and Parliament. In 1972, however, the Northern Ireland Government resigned and the Northern Ireland Parliament was dissolved. Responsibility for the administration of Northern Ireland was assumed by the United Kingdom Government and Parliament. This constitutional arrangement is, however, temporary and it is the Government's aim to transfer power back to elected representatives in Northern Ireland. All the major political parties in Northern Ireland are in favour of the restoration of a form of devolved government with full legislative powers. In the meantime the Government is at pains to preserve Northern Ireland's separate statute book.

As a result of this separate constitutional development, there exists in Northern Ireland a separate corpus of law on domestic topics. Since 1972, successive British Governments have taken the view that this separate corpus of law should, as far as possible, be preserved, so that any future legislative assembly will inherit a legal system created by the local administration and designed to accommodate specifically local needs.

Consequently, legislative provision on many topics differs between Northern Ireland and the rest of the United Kingdom, and has done so since 1921. Even where the legislation is designed to serve essentially the same purpose, it is normal for the measures applying to Northern Ireland to be separately enacted, as it would have been before 1972, and to differ from the Great Britain legislation in ways designed to deal with local conditions.

A second, and more general, point is that the legal system of the United Kingdom means that it is not generally necessary for legislation to provide the citizen explicitly with a full range of rights and liberties, stated in positive terms by statute. The underlying assumption of the common law is that the citizen already possesses the full range of rights and liberties, and that specific statutory protection for those rights will be provided by statute as and when abuses and incursions occur. Thus, to take the case of Race Relations legislation in Great Britain, statutory provision for the protection of the individual was made as soon as it appeared that a problem of racial discrimination existed there. Where no problem exists, there will be no reason to provide legislation to deal with it.

Both points are relevant to any consideration of why the Race Relations Act 1976 was not extended to Northern Ireland. Firstly, there was, and is, no evidence of a racial discrimination problem in Northern Ireland. The pattern of immigration into the United Kingdom has been such as to ensure that no considerable ethnic minority exists in Northern Ireland. While figures are not maintained of ethnic minority groups, the 1971 census revealed only 15,048 persons born outside the British Isles and resident in Northern Ireland, out of a total population of 1.5 million. Of these, only a few thousand would be likely to belong to a minority ethnic group. This negligible ethnic minority has been accepted within the community and no evidence of racial discrimination, either at school or in employment, has come to light. The Government does not, therefore, consider that there is a problem of racial discrimination in Northern Ireland for which it is necessary to legislate.

Naturally, if the ethnic diversity of the Province were to increase so that such a problem did appear, then the Government would wish to reconsider the need for special legislation.

There have been, however, a number of enactments which are designed to deal with the specific problems of religious, cultural, and political discrimination which face Northern Ireland. Many of these are modelled on the measures taken in Great Britain to combat racial discrimination and in practice do cover much the same ground as the Race Relations Acts, although the problems to which they are addressed differ. They are, in brief summary:

- (a) Section 19 of the Northern Ireland Constitution Act 1973, which made it illegal for any public authority to discriminate on grounds of religious belief or political opinion;
- (b) Section 20 of the same Act, which set up a Standing Advisory Commission on Human Rights charged with advising the Government as to the effectiveness of the law in preventing discrimination on grounds of religious belief or political opinion;
- (c) the Fair Employment (Northern Ireland) Act 1976, which outlaws discrimination in employment on grounds of religious or political belief and which set up a Fair Employment Agency to enforce and promote equality of opportunity in employment;
- (d) the Sex Discrimination (Northern Ireland) Order 1976, which set up an Equal Opportunities Commission to promote equality of opportunity between men and women and to combat sexual discrimination in employment and in the provision of goods, facilities or services (including education);
- (e) the Prevention of Incitement to Hatred Act (Northern Ireland) 1970, which prohibited the use of written matter or words likely to provoke hatred based on religious belief, colour, race or ethnic or national origin, against any section of the public; and
- (f) the Parliamentary Commissioner for Administration Act (Northern Ireland) 1969, and the Commissioner for Complaints Act (Northern Ireland) 1969, which provided machinery for the redress of complaints by the public against discrimination by (respectively) central government and other public bodies.

These major pieces of legislation, taken together with administrative action aimed at eliminating discrimination, provide the people of Northern Ireland with a very high degree of legal protection against all the forms of discrimination likely to be found there.

The decision not to extend the Race Relations Act 1976 to Northern Ireland must therefore be seen against the background of the absence of racial problems in Northern Ireland; the high degree of protection already afforded by existing Northern Ireland antidiscriminatory laws; and the separate legal and legislative tradition of this part of the United Kingdom.

PART III. DEVELOPMENTS IN DEPENDENT TERRITORIES

[This part will be presented to the Committee  
at a later stage as not all replies have been  
received from the Dependent Territories.]

PART IV. ANNEXES \*/

- A. Commission for Racial Equality Annual Report 1978
- B. Statement of Changes in Immigration Rules
- C. Racial Discrimination at Work: Analyses of applications to industrial tribunals under the Race Relations Act 1976, October 1978
- D. Racial Discrimination at Work: Analyses of applications to industrial tribunals under the Race Relations Act 1976, December 1979
- E. Special programmes, special needs
- F. Local Authority Arrangements for the School Curriculum
- G. Recommendations of the report "The West Indian Community" (HC 130-1-111)
- H. White Paper "The West Indian Community" (Cmd 7186)

---

\*/ These annexes will be made available to members of the Committee in the original language as received from the Government of the United Kingdom.