

# Lords ruling limits race inquiry power

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**P**OWERS of the Commission for Racial Equality to launch wide-ranging investigations into suspected racial discrimination have been sharply curtailed by a Law Lords ruling.

In future the Commission will need to be far more specific in defining the scope of a formal investigation under its powers in the 1976 Race Relations Act.

If it is not to infringe the law, it will have to restrict its notices of investigation to areas where it has a reasonable belief that there has been unlawful racial discrimination.

But if in the course of that investigation it uncovers evidence of wider discrimination duty to extend its investigation.

In their ruling on Thursday, the Law Lords unanimously dismissed the Commission's appeal against the Court of Appeal and Divisional Court decisions blocking an investigation into Hillingdon housing policies.

Decisions of the Commission to start an investigation have been declared void on grounds that the terms of reference were too wide.

## Investigation powers

Since the proceedings were started by Hillingdon Council, the Commission has altered and made more specific terms of reference on six other formal investigations.

As racial discrimination is not normally practised openly, the Commission was given power under the 1976 Act to conduct formal investigations. If alleged discrimination is by particular persons, the Commission is required to give them notice of its intention to hold the inquiry.

Mr Peter Sanders, director of the Commission's equal opportunity division, said that while they were disappointed they had lost, it had been a helpful judgment.

It gave a broader interpretation of their powers to conduct formal investigations than in the lower courts.

The effect of the ruling is that the Commission had been wrong to announce an investigation in wide terms when its only belief of discrimination related to the council's treatment of immigrant families arriving at Heathrow airport.