

Estate agents and racism

Prejudice, which is a state of mind, must be distinguished from discrimination, the act (or omission) which flows from it. If the act is made unlawful, will this alter the state of mind? It may do so in either direction, depending on whether or not the new legislation is felt to be fair and reasonable. Whatever happens to the state of mind, will the Race Relations Bill reduce the number of discriminating acts? It seems likely to do so, since many will seek to avoid the risk of getting involved in conciliation proceedings or worse. As the Bill infringes liberty the onus of justification is on those who seek its enactment. Estate agents will wish to know exactly where they stand. Your legal correspondent, in the issue of April 20 (page 238), feels that it should not be difficult to avoid committing unlawful discrimination. He may well be right. It will be much less easy, however, to avoid getting entangled in ill-founded proceedings. Every agent offering a house or flat, or a job in his firm, who refuses a coloured applicant and turns him away (for whatever reason) will risk proceedings. The chain of events might be as follows.

(1) The disappointed applicant complains to the local conciliation committee that the agent's refusal to sell him the house for which he offered the asking price (the house perhaps already has been sold subject to contract) was an unlawful act of discrimination.

(2) Provided that the complaint is made within two months of the act complained of, the committee *must* carry out an investigation, whether or not the facts put forward by the complainant establish a *prima facie* case. The investigation will certainly involve the agent in correspondence and probably personal explanations and argument also.

(3) If the conciliation committee, which will probably *not* include a lawyer, find the complaint proved, they will attempt to reconcile the parties and will ask for a written assurance from the agent that he will not do such a thing again.

(4) If, subsequently, the committee think that the written assurance has not been complied with they may secure the issuing of a county court summons against the agent seeking an injunction and damages.

(5) If he is unsuccessful in court the agent may be ordered to pay damages to the original disappointed applicant and any successors the applicant may have had, together with the legal costs of the committee as well as his own. If the house has risen in value since the original incident, the damages will include the amount of the increase.

This procedure may be necessary to stamp out the vice of racial discrimination in housing. But, other things being equal, the agent will be well advised to favour the coloured applicant: He will thus not only escape the risk of proceedings, but will store up evidence for use in his favour in future cases of complaint against him.

A final note. Can it be right for a Bill against racial discrimination to outlaw the provision of housing specially intended (perhaps by a charitable housing association) for the relief of coloured people? This is the effect of the present Bill - apart from a saving in clause 9 designed for existing charities only.