



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART II

LEGAL SERVICES

Miscellaneous

64 Discrimination by, or in relation to, barristers.

- (1) The following shall be inserted in the ^{M1}Sex Discrimination Act 1975 after section 35—

“ Barristers

35A Discrimination by, or in relation to, barristers.

- (1) It is unlawful for a barrister or barrister’s clerk, in relation to any offer of a pupillage or tenancy, to discriminate against a woman—
- (a) in the arrangements which are made for the purpose of determining to whom it should be offered;
 - (b) in respect of any terms on which it is offered; or
 - (c) by refusing, or deliberately omitting, to offer it to her.
- (2) It is unlawful for a barrister or barrister’s clerk, in relation to a woman who is a pupil or tenant in the chambers in question, to discriminate against her—
- (a) in respect of any terms applicable to her as a pupil or tenant;
 - (b) in the opportunities for training, or gaining experience, which are afforded or denied to her;
 - (c) in the benefits, facilities or services which are afforded or denied to her; or
 - (d) by terminating her pupillage or by subjecting her to any pressure to leave the chambers or other detriment.

Changes to legislation: Courts and Legal Services Act 1990, Section 64 is up to date with all changes known to be in force on or before 30 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) It is unlawful for any person, in relation to the giving, withholding or acceptance of instructions to a barrister, to discriminate against a woman.
- (4) In this section—
 “barrister’s clerk” includes any person carrying out any of the functions of a barrister’s clerk; and
 “pupil”, “pupillage”, “tenancy” and “tenant” have the meanings commonly associated with their use in the context of a set of barristers’ chambers.
- (5) Section 3 applies for the purposes of this section as it applies for the purposes of any provision of Part II.
- (6) This section does not apply to Scotland.”
- (2) The following shall be inserted in the ^{M2}Race Relations Act 1976 after section 26—

“ Barristers

26A Discrimination by, or in relation to, barristers.

- (1) It is unlawful for a barrister or barrister’s clerk, in relation to any offer of a pupillage or tenancy, to discriminate against a person—
 (a) in the arrangements which are made for the purpose of determining to whom it should be offered;
 (b) in respect of any terms on which it is offered; or
 (c) by refusing, or deliberately omitting, to offer it to him.
- (2) It is unlawful for a barrister or barrister’s clerk, in relation to a pupil or tenant in the chambers in question, to discriminate against him—
 (a) in respect of any terms applicable to him as a pupil or tenant;
 (b) in the opportunities for training, or gaining experience which are afforded or denied to him;
 (c) in the benefits, facilities or services which are afforded or denied to him; or
 (d) by terminating his pupillage or by subjecting him to any pressure to leave the chambers or other detriment.
- (3) It is unlawful for any person, in relation to the giving, withholding or acceptance of instructions to a barrister, to discriminate against any person.
- (4) In this section—
 “barrister’s clerk” includes any person carrying out any of the functions of a barrister’s clerk; and
 “pupil”, “pupillage”, “tenancy” and “tenant” have the meanings commonly associated with their use in the context of a set of barristers’ chambers.
- (5) This section does not apply to Scotland.”

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Marginal Citations

M1 1975 c. 65.

M2 1976 c. 74.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 58A(2)(fe) inserted by [2021 c. 17 s. 53](#)