



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART II

LEGAL SERVICES

Miscellaneous

65 Discrimination by, or in relation to, advocates.

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

“ Advocates

35B Discrimination by, or in relation to, advocates.

- (1) It is unlawful for an advocate, in relation to taking any person as his pupil, to discriminate against a woman—
- (a) in the arrangements which he makes for the purpose of determining whom he will take as his pupil;
 - (b) in respect of any terms on which he offers to take her as his pupil; or
 - (c) by refusing, or deliberately omitting, to take her as his pupil.
- (2) It is unlawful for an advocate, in relation to a woman who is a pupil, to discriminate against her—
- (a) in respect of any terms applicable to her as a pupil;
 - (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 the relationship or by subjecting her to any pressure to terminate the relationship or other detriment.

Changes to legislation: Courts and Legal Services Act 1990, Section 65 is up to date with all changes known to be in force on or before 12 June 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 an advocate, to discriminate against a woman.
- (4) In this section—
 “advocate” means a member of the Faculty of Advocates practising as such; and
 “pupil” has the meaning commonly associated with its use in the context of a person training to be an advocate.
- (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 England and Wales.”
- (2) The following shall be inserted in the ^{M2}Race Relations Act 1976 after section 26A (as inserted by this Act)—

“ Advocates

26B Discrimination by, or in relation to, advocates.

- (1) It is unlawful for an advocate, in relation to taking any person as his pupil, to discriminate against a person—
- (a) in the arrangements which he makes for the purpose of determining whom he will take as his pupil;
 - (b) in respect of any terms on which he offers to take any person as his pupil; or
 - (c) by refusing, or deliberately omitting, to take a person as his pupil.
- (2) It is unlawful for an advocate, in relation to a person who is a pupil, to discriminate against him—
- (a) in respect of any terms applicable to him as a pupil;
 - (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 the relationship or by subjecting him to any pressure to terminate the relationship or other detriment.
- (3) It is unlawful for any person, in relation to the giving, withholding or acceptance of instructions to an advocate, to discriminate against any person.
- (4) In this section—
 “advocate” means a member of the Faculty of Advocates practising as such; and
 “pupil” has the meaning commonly associated with its use in the context of a person training to be an advocate.
- (5) This section does not apply to England and Wales.”

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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](#)