



# 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 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.

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*Status: This is the original version (as it was originally enacted).*

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- (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 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.”