



# Equality Act 2010

## 2010 CHAPTER 15

### PART 5

#### WORK

#### CHAPTER 1

##### EMPLOYMENT, ETC.

##### *The Bar*

#### **47 Barristers**

- (1) A barrister (A) must not discriminate against a person (B)—
  - (a) in the arrangements A makes for deciding to whom to offer a pupillage or tenancy;
  - (b) as to the terms on which A offers B a pupillage or tenancy;
  - (c) by not offering B a pupillage or tenancy.
- (2) A barrister (A) must not discriminate against a person (B) who is a pupil or tenant—
  - (a) as to the terms on which B is a pupil or tenant;
  - (b) in the way A affords B access, or by not affording B access, to opportunities for training or gaining experience or for receiving any other benefit, facility or service;
  - (c) by terminating the pupillage;
  - (d) by subjecting B to pressure to leave chambers;
  - (e) by subjecting B to any other detriment.
- (3) A barrister must not, in relation to a pupillage or tenancy, harass—
  - (a) the pupil or tenant;
  - (b) a person who has applied for the pupillage or tenancy.

*Status: Point in time view as at 09/07/2015.*

*Changes to legislation: Equality Act 2010, Cross Heading: The Bar is up to date with all changes known to be in force on or before 28 May 2024. 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)*

- (4) A barrister (A) must not victimise a person (B)—
- (a) in the arrangements A makes for deciding to whom to offer a pupillage or tenancy;
  - (b) as to the terms on which A offers B a pupillage or tenancy;
  - (c) by not offering B a pupillage or tenancy.
- (5) A barrister (A) must not victimise a person (B) who is a pupil or tenant—
- (a) as to the terms on which B is a pupil or tenant;
  - (b) in the way A affords B access, or by not affording B access, to opportunities for training or gaining experience or for receiving any other benefit, facility or service;
  - (c) by terminating the pupillage;
  - (d) by subjecting B to pressure to leave chambers;
  - (e) by subjecting B to any other detriment.
- (6) A person must not, in relation to instructing a barrister—
- (a) discriminate against a barrister by subjecting the barrister to a detriment;
  - (b) harass the barrister;
  - (c) victimise the barrister.
- (7) A duty to make reasonable adjustments applies to a barrister.
- (8) The preceding provisions of this section (apart from subsection (6)) apply in relation to a barrister's clerk as they apply in relation to a barrister; and for that purpose the reference to a barrister's clerk includes a reference to a person who carries out the functions of a barrister's clerk.
- (9) A reference to a tenant includes a reference to a barrister who is permitted to work in chambers (including as a squatter or door tenant); and a reference to a tenancy is to be construed accordingly.

## 48 Advocates

- (1) An advocate (A) must not discriminate against a person (B)—
- (a) in the arrangements A makes for deciding who to take as A's devil or to whom to offer membership of a stable;
  - (b) as to the terms on which A offers to take B as A's devil or offers B membership of a stable;
  - (c) by not offering to take B as A's devil or not offering B membership of a stable.
- (2) An advocate (A) must not discriminate against a person (B) who is a devil or a member of a stable—
- (a) as to the terms on which B is a devil or a member of the stable;
  - (b) in the way A affords B access, or by not affording B access, to opportunities for training or gaining experience or for receiving any other benefit, facility or service;
  - (c) by terminating A's relationship with B (where B is a devil);
  - (d) by subjecting B to pressure to leave the stable;
  - (e) by subjecting B to any other detriment.

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- (3) An advocate must not, in relation to a relationship with a devil or membership of a stable, harass—
  - (a) a devil or member;
  - (b) a person who has applied to be taken as the advocate's devil or to become a member of the stable.
- (4) An advocate (A) must not victimise a person (B)—
  - (a) in the arrangements A makes for deciding who to take as A's devil or to whom to offer membership of a stable;
  - (b) as to the terms on which A offers to take B as A's devil or offers B membership of a stable;
  - (c) by not offering to take B as A's devil or not offering B membership of a stable.
- (5) An advocate (A) must not victimise a person (B) who is a devil or a member of a stable—
  - (a) as to the terms on which B is a devil or a member of the stable;
  - (b) in the way A affords B access, or by not affording B access, to opportunities for training or gaining experience or for receiving any other benefit, facility or service;
  - (c) by terminating A's relationship with B (where B is a devil);
  - (d) by subjecting B to pressure to leave the stable;
  - (e) by subjecting B to any other detriment.
- (6) A person must not, in relation to instructing an advocate—
  - (a) discriminate against the advocate by subjecting the advocate to a detriment;
  - (b) harass the advocate;
  - (c) victimise the advocate.
- (7) A duty to make reasonable adjustments applies to an advocate.
- (8) This section (apart from subsection (6)) applies in relation to an advocate's clerk as it applies in relation to an advocate; and for that purpose the reference to an advocate's clerk includes a reference to a person who carries out the functions of an advocate's clerk.
- (9) “Advocate” means a practising member of the Faculty of Advocates.

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