



# 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 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—
- in the arrangements which he makes for the purpose of determining whom he will take as his pupil;
  - in respect of any terms on which he offers to take her as his pupil; or
  - 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—
- in respect of any terms applicable to her as a pupil;
  - in the opportunities for training, or gaining experience, which are afforded or denied to her;
  - in the benefits, facilities or services which are afforded or denied to her; or
  - by terminating the relationship or by subjecting her to any pressure to terminate the relationship 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*Status: This is the original version (as it was originally enacted).*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 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 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.”