



Constitutional Reform Act 2005

2005 CHAPTER 4

PART 4

JUDICIAL APPOINTMENTS AND DISCIPLINE

CHAPTER 3

DISCIPLINE

General

115 Regulations about procedures

The Lord Chief Justice may, with the agreement of the Lord Chancellor, make regulations providing for the procedures that are to be followed in—

- (a) the investigation and determination of allegations by any person of misconduct by judicial office holders;
- (b) reviews and investigations (including the making of applications or references) under sections 110 to 112.

Commencement Information

- II** S. 115 wholly in force at 3.4.2006; s. 115 not in force at Royal Assent see s. 148; s. 115 in force for specified purposes at 1.10.2005 by [S.I. 2005/2505, art. 2\(b\)](#); s. 115 in force at 3.4.2006 by [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 23](#)

116 Contents of regulations

- (1) Regulations under section 115(a) may include provision as to any of the following—
- (a) circumstances in which an investigation must or may be undertaken (on the making of a complaint or otherwise);

Changes to legislation: Constitutional Reform Act 2005, Cross Heading: General is up to date with all changes known to be in force on or before 23 April 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) View outstanding changes

- (b) steps to be taken by a complainant before a complaint is to be investigated;
 - (c) the conduct of an investigation, including steps to be taken by the office holder under investigation or by a complainant or other person;
 - (d) time limits for taking any step and procedures for extending time limits;
 - (e) persons by whom an investigation or part of an investigation is to be conducted;
 - (f) matters to be determined by the Lord Chief Justice, the Lord Chancellor, the office holder under investigation or any other person;
 - (g) requirements as to records of investigations;
 - (h) requirements as to confidentiality of communications or proceedings;
 - (i) requirements as to the publication of information or its provision to any person.
- (2) The regulations—
- (a) may require a decision as to the exercise of functions under section 108, or functions mentioned in subsection (1) of that section, to be taken in accordance with findings made pursuant to prescribed procedures;
 - (b) may require that prescribed steps be taken by the Lord Chief Justice or the Lord Chancellor in exercising those functions or before exercising them.
- (3) Where regulations under section 115(a) impose any requirement on the office holder under investigation or on a complainant, a person contravening the requirement does not incur liability other than liability to such procedural penalty if any (which may include the suspension or dismissal of a complaint)—
- (a) as may be prescribed by the regulations, or
 - (b) as may be determined by the Lord Chief Justice and the Lord Chancellor or either of them in accordance with provisions so prescribed.
- (4) Regulations under section 115 may—
- (a) provide for any prescribed requirement not to apply if the Lord Chief Justice and the Lord Chancellor so agree;
 - (b) make different provision for different purposes.
- (5) Nothing in this section limits the generality of section 115.

Commencement Information

I2 S. 116 wholly in force at 3.4.2006; s. 116 not in force at Royal Assent see s. 148; s. 116 in force for specified purposes at 1.10.2005 by [S.I. 2005/2505](#), [art. 2\(b\)](#); s. 116 in force at 3.4.2006 by [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 23](#)

117 Procedural rules

- (1) Regulations under section 115 may provide for provision of a prescribed description that may be included in the regulations to be made instead by rules made by the Lord Chief Justice with the agreement of the Lord Chancellor.
- (2) But the provision that may be made by rules does not include—
 - (a) provision within section 116(2);
 - (b) provision made for the purposes of section 108(7) or (8) or 116(3).

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- (3) The rules are to be published in such manner as the Lord Chief Justice may determine with the agreement of the Lord Chancellor.

Commencement Information

- I3** S. 117 wholly in force at 3.4.2006; s. 117 not in force at Royal Assent see s. 148; s. 117 in force for specified purposes at 1.10.2005 by [S.I. 2005/2505](#), [art. 2\(b\)](#); s. 117 in force at 3.4.2006 by [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 23](#)

118 Extension of discipline provisions to other offices

- (1) This Chapter applies in relation to an office designated by the Lord Chancellor under this section as it would apply if the office were listed in Schedule 14.
- (2) The Lord Chancellor may by order designate any office, not listed in Schedule 14, the holder of which he has power to remove from office.
- (3) An order under this section may be made only with the agreement of the Lord Chief Justice.

Commencement Information

- I4** S. 118 wholly in force at 3.4.2006; s. 118 not in force at Royal Assent see s. 148; s. 118 in force for specified purposes at 1.10.2005 by [S.I. 2005/2505](#), [art. 2\(b\)](#); s. 118 in force at 3.4.2006 by [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 23](#)

119 Delegation of functions

- (1) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4)) to exercise any of his functions under the relevant sections.
- (2) The relevant sections are—
- (a) section 108(3) to (7);
 - (b) section 111(2);
 - (c) section 112;
 - (d) section 116(3)(b).

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. 132(4A) words substituted by [2015 c. 2 s. 83\(1\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(2\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(3\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(4\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(6\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(8\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(9\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(10\)\(a\)](#)
- Sch. 7 para. 4Pt. A words substituted by [2007 c. 15 s. 144\(10\)\(b\)](#)