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STATUTORY INSTRUMENTS

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**2023 No. 1005**

**The Judicial Discipline (Prescribed Procedures) Regulations 2023**

**Part 1**

**Introduction**

**Citation and commencement**

1. These Regulations may be cited as the Judicial Discipline (Prescribed Procedures) Regulations 2023 and shall come into force on 13th October 2023.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Constitutional Reform Act 2005;

“area coroner” means a person appointed as such under paragraph 2 of Schedule 3 to the Coroners and Justice Act 2009;

“assistant coroner” means a person appointed as such under paragraph 2 of Schedule 3 to the Coroners and Justice Act 2009;

“bank holiday” means a bank holiday under the Banking and Financial Dealings Act 1971<sup>(1)</sup>;

“case” means a complaint or issue of misconduct being considered under these Regulations;

“complaint” means a complaint made in accordance with rules made under regulation 7 and containing an allegation of misconduct by a person holding an office;

“conduct advisory committee” means one of the Lord Chancellor’s conduct advisory committees on justices of the peace;

“deputy secretary” means a deputy secretary of a conduct advisory committee;

“disciplinary panel” has the meaning given by regulation 11;

“disciplinary sanction” means any of the following actions taken in relation to misconduct—

- (a) the exercise by the Lord Chancellor of any of the Lord Chancellor’s powers to remove a person from office;
- (b) the exercise by the Lord Chief Justice of any of the Lord Chief Justice’s powers under section 108(3), (4)(b) and (c) and (5) of the Act<sup>(2)</sup>; or
- (c) a decision that the Lord Chancellor will move an Address for the removal of a senior judge by both Houses of Parliament;

“investigating judge” has the meaning given by regulation 10;

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(1) 1971 c. 80.

(2) Section 108 was extended by the Coroners and Justice Act 2009, Schedule 3, paragraph 14.

- “JCIO” means the Judicial Conduct Investigations Office, as defined in regulation 4(2);
- “justice of the peace” means a justice of the peace who is not a District Judge (Magistrates’ Courts);
- “nominated committee member” has the meaning given by regulation 9;
- “nominated judge” has the meaning given by regulation 8;
- “office” means an office listed in regulation 3(2);
- “office holder concerned” means an office holder whose conduct is being considered in accordance with these Regulations;
- “secretary” means a secretary of a conduct advisory committee;
- “senior coroner” means a person appointed as such under paragraph 1 of Schedule 3 to the Coroners and Justice Act 2009;
- “working day” means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in any part of the United Kingdom.

(2) In these Regulations, unless the contrary intention appears, a reference to the Lord Chief Justice must be read—

- (a) in relation to an office holder who exercises functions wholly or mainly in Scotland, as a reference to the Lord President of the Court of Session;
- (b) in relation to an office holder who exercises functions wholly or mainly in Northern Ireland, as a reference to the Lord Chief Justice of Northern Ireland;
- (c) otherwise, as a reference to the Lord Chief Justice of England and Wales.

### **Application of Regulations**

**3.—**(1) These Regulations apply to any complaint made on or after the date on which these Regulations come into force.

(2) These Regulations apply to—

- (a) a judicial office;
- (b) the offices of senior coroner, area coroner or assistant coroner; and
- (c) an office that has been designated by an order under section 118 of the Act.

### **The Judicial Conduct Investigations Office**

**4.—**(1) The Lord Chancellor must, with the agreement of the Lord Chief Justice, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland, designate officials for the purpose of performing functions under these Regulations.

(2) Officials designated by the Lord Chancellor under paragraph (1) are known collectively as the Judicial Conduct Investigations Office.

(3) The JCIO may undertake such enquiries as are necessary for it to perform its functions under these Regulations or rules made under regulation 7.

(4) The JCIO may provide advice to any person regarding the application of these Regulations or rules made under regulation 7.

(5) For the purpose of paragraph (4) advice may include advice regarding any proposed disciplinary sanction.

(6) The JCIO may provide administrative assistance to a nominated judge, an investigating judge or a disciplinary panel in relation to the exercise of their functions under these Regulations or rules made under regulation 7.

### Measurement of time for doing an act

5. In these Regulations the time for doing any act in response to a notification, invitation or request (“the document”) starts on the day that corresponds to the method of delivery used in relation to the document shown in the table below—

<i>Method of delivery</i>	<i>Starting day</i>
First class post (or other method which provides for delivery on the next working day).	The second working day after the day on which the document was posted.
Second class post.	The third working day after the day on which the document was posted.
Delivering the document to or leaving it at a permitted address.	If it is delivered to or left at the permitted address on a working day before 4.30pm, that day; or if delivered at, or after, 4.30pm, the next working day.
Email or other electronic transmission.	If an email or other electronic transmission is sent on a working day before 4.30pm, that day; or if an email or other electronic transmission is sent at, or after, 4.30pm, the next working day.