



# Judiciary and Courts (Scotland) Act 2008

## 2008 asp 6

### PART 2

#### THE JUDICIARY

### CHAPTER 4

#### JUDICIAL CONDUCT

##### *Judicial conduct*

## **28 Rules about investigations etc.**

- (1) The Lord President may by rules make provision for or in connection with—
  - (a) the investigation and determination of any matter concerning the conduct of judicial office holders,
  - (b) reviews of any such determinations.
- (2) Rules under subsection (1) may in particular contain provision about—
  - (a) circumstances in which an investigation must or may be undertaken,
  - (b) the making of complaints,
  - (c) steps to be taken by a complainant before a complaint is to be investigated,
  - (d) the conduct of an investigation (including in particular steps to be taken by the office holder under investigation or by a complainant or other person),
  - (e) time limits for taking any step and procedures for extending time limits,
  - (f) persons by whom an investigation or part of an investigation is to be conducted,
  - (g) matters to be determined by the person conducting an investigation (or part of an investigation), the Lord President or any other person,
  - (h) the making of recommendations by persons conducting investigations (or parts of investigations),
  - (i) the obtaining of information relating to complaints,
  - (j) the keeping of records of investigations,

*Status: Point in time view as at 01/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Cross Heading: Judicial conduct. (See end of Document for details)*

- (k) confidentiality of communications or proceedings,
  - (l) the publication of information or its provision to any person.
- (3) Rules under subsection (1)—
- (a) may make different provision for different cases,
  - (b) are to be published in such manner as the Lord President may determine.

#### Commencement Information

**I1** S. 28 in force at 1.4.2010 by S.S.I. 2010/39, art. 2(b), Sch.

## 29 Powers of Lord President

- (1) Where subsection (2) applies in relation to a judicial office holder, the Lord President may, for disciplinary purposes, give the judicial office holder—
- (a) formal advice,
  - (b) a formal warning, or
  - (c) a reprimand.
- (2) This subsection applies where—
- (a) an investigation has been carried out in accordance with rules under section 28(1), and
  - (b) the person carrying out the investigation has recommended that the Lord President exercise a power mentioned in subsection (1).
- (3) This section does not restrict what the Lord President may do—
- (a) informally,
  - (b) for other purposes, or
  - (c) where any advice or warning is not given to a particular judicial office holder.

#### Commencement Information

**I2** S. 29 in force at 1.4.2010 by S.S.I. 2010/39, art. 2(b), Sch.

**Status:**

Point in time view as at 01/04/2010.

**Changes to legislation:**

There are currently no known outstanding effects for the Judiciary and Courts (Scotland) Act 2008, Cross Heading: Judicial conduct.