



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,

- (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.

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.