
STATUTORY INSTRUMENTS

2014 No. 1919

The Judicial Discipline (Prescribed Procedures) Regulations 2014

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Judicial Discipline (Prescribed Procedures) Regulations 2014 and shall come into force on 18th August 2014.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Constitutional Reform Act 2005;

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

“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(1);

“business 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;

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

“complaint” means a complaint containing an allegation of misconduct by a person holding judicial office or other office;

“disciplinary action” means—

- (a) the exercise by the Lord Chancellor of the Lord Chancellor’s power 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(2); or
- (c) a decision that the Lord Chancellor will move an Address for the removal of a senior judge by both Houses of Parliament;

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

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

(1) 1971 c.80.

(2) 2005 c.4; section 108 was extended by the Coroners and Justice Act 2009 (c.25), Schedule 3, paragraph 14.

“justice of the peace” means a justice of the peace who is not a District Judge (Magistrates’ Courts);

“nominated judge” has the meaning given by regulation 9;

“office” means an office listed in regulation 3;

“office holder concerned” means the holder of an office whose conduct is being considered in accordance with these Regulations;

“relevant President” in relation to a tribunal means a President or other office holder with disciplinary responsibility for tribunal members and includes any office holder designated to exercise such disciplinary responsibility under rules made under regulation 7;

“senior coroner” means a person appointed as such under paragraph 1 of Schedule 3 to the Coroners and Justice Act 2009;

“tribunal member” has the meaning given by regulation 8.

(2) In these Regulations, unless the contrary intention appears, a reference to the Lord Chief Justice is to 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

3. These Regulations apply to—

- (a) a judicial office;
- (b) the offices of senior coroner, area coroner or assistant coroner;
- (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 Judicial Conduct Investigations Office may undertake such enquiries as are necessary for it to perform its functions under these Regulations or under any rules made under these Regulations.

(4) The Judicial Conduct Investigations Office may provide advice to any person regarding the application and interpretation of these Regulations and any rules made under these Regulations.

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

(6) The Judicial Conduct Investigations Office may provide administrative assistance to a nominated judge, a relevant President, an investigating judge or a disciplinary panel in relation to the exercise of their functions under these Regulations or rules made under these Regulations.

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 notification, invitation or request 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 business day).	The second business day after the day on which the document was posted.
Second class post.	The third business 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 business day before 4.30pm, that day; or if delivered at, or after, 4.30pm, the next business day.
Fax.	If the transmission of the fax is completed on a business day before 4.30pm, that day; or if transmitted at, or after, 4.30pm, the next business day.
Other electronic method.	If an e-mail or other electronic transmission is sent on a business day before 4.30pm, that day; or if an e-mail or other electronic transmission is sent at, or after, 4.30pm, the next business day.