
STATUTORY INSTRUMENTS

2014 No. 1919

**The Judicial Discipline (Prescribed
Procedures) Regulations 2014**

PART 2

Complaints and investigation of cases

Complaint of misconduct

6.—(1) Subject to paragraphs (2) and (3), a complaint about an office holder must be made to the Judicial Conduct Investigations Office.

(2) A complaint about a justice of the peace must be made to the advisory committee for the local justice area to which the justice of the peace is assigned under section 10(2) of the Courts Act 2003⁽¹⁾.

(3) A complaint about a tribunal member, other than a President, must be made to the relevant President of the tribunal concerned.

Investigation process

7.—(1) The Lord Chief Justice, with the agreement of the Lord Chancellor, may make rules about the process to be applied in respect of an allegation of misconduct, whether the allegation is made by way of complaint or otherwise.

(2) Rules under paragraph (1) shall not apply in relation to an office holder who exercises functions wholly or mainly in Scotland, unless they are made with the agreement of the Lord President of the Court of Session.

(3) Rules under paragraph (1) shall not apply in relation to an office holder who exercises functions wholly or mainly in Northern Ireland, unless they are made with the agreement of the Lord Chief Justice of Northern Ireland.

(4) The rules may include provision as to any of the following—

- (a) the form of a complaint;
- (b) the information to be contained in a complaint;
- (c) time limits for taking any step and procedures for extending or shortening time limits;
- (d) the circumstances in which a case may be dismissed;
- (e) the circumstances in which an investigation may be undertaken (on the making of a complaint or otherwise);
- (f) the conduct of an investigation, including steps to be taken by the office holder concerned, by a complainant or any other person;

⁽¹⁾ 2003 c.39; section 10(2) was amended by the Constitutional Reform Act 2005 (c.4), Schedule 4, paragraphs 308 and 313.

- (g) the circumstances in which a case may be investigated by the Judicial Conduct Investigations Office, a nominated judge, an investigating judge, a disciplinary panel, a relevant President or a person delegated by a relevant President;
- (h) the circumstances in which a case may be dealt with under a summary procedure;
- (i) the circumstances in which a case which has initially been dismissed may be reconsidered.

Tribunal member

8. A tribunal member for the purposes of these Regulations is a person specified as such under rules made under regulation 7.

Nominated judge

9.—(1) A nominated judge means an office holder who is nominated by the Lord Chief Justice to deal with a case in accordance with rules made under regulation 7.

(2) The Lord Chief Justice may nominate different office holders to deal with different cases or to deal with different aspects of the same case.

(3) In a particular case, a nominated judge must be of at least the same rank as the office holder concerned.

Investigating judge

10.—(1) An investigating judge means an office holder or a former office holder who is nominated by the Lord Chief Justice to investigate a case in accordance with rules made under regulation 7.

(2) The Lord Chief Justice may nominate different office holders to investigate different cases or to investigate different aspects of the same case.

(3) An investigating judge must be of a higher rank than the office holder concerned.

(4) In relation to a former office holder reference to their rank means the rank they held immediately before they ceased to hold office.

Disciplinary panel

11.—(1) A disciplinary panel is a panel consisting of—

- (a) either an office holder or former office holder who is of a higher rank than the office holder concerned;
- (b) either an office holder or former office holder who is of the same rank as the office holder concerned; and
- (c) two other members, neither of whom has been—
 - (i) an office holder, or
 - (ii) a practising or employed lawyer.

(2) In relation to a former office holder, reference to their rank means the rank they held immediately before they ceased to hold office.

(3) The Lord Chief Justice must nominate the members of a disciplinary panel under paragraph (1) (a) and (b).

(4) The Lord Chancellor must nominate with the agreement of the Lord Chief Justice the other members in paragraph (1)(c).

(5) A person is ineligible for membership of a disciplinary panel if that person has had any previous involvement in the disciplinary process relating to the case that is being referred to the disciplinary panel.

(6) The office holder nominated under paragraph (1)(a) must chair the disciplinary panel and must exercise a casting vote if necessary.