
STATUTORY INSTRUMENTS

2014 No. 1919

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

PART 3

Decisions

Consideration of advice

12. Before making a decision under regulation 15 in relation to a case, the Lord Chancellor and the Lord Chief Justice must consider any advice provided by a person who or a body that has conducted an investigation into a case in accordance with rules made under regulation 7.

Further investigation

13.—(1) This regulation applies where the Lord Chancellor and the Lord Chief Justice have considered advice in accordance with regulation 12 and they require further investigation before making a decision under regulation 15.

(2) If the Lord Chancellor and the Lord Chief Justice agree, they may refer a case to a person or body listed in paragraph (3) to further investigate.

(3) The persons and bodies are—

- (a) a nominated judge;
- (b) in relation to a tribunal member, a relevant President or their designate;
- (c) in relation to a magistrate, an advisory committee;
- (d) an investigating judge; or
- (e) a disciplinary panel.

(4) Any further investigation must be carried out in accordance with rules made under regulation 7.

Removal when other disciplinary power is recommended

14.—(1) This regulation applies where—

- (a) advice has been provided to the Lord Chief Justice and the Lord Chancellor by a person who or a body that has conducted an investigation into a case in accordance with rules made under regulation 7; and
- (b) that advice does not recommend the removal or suspension of an office holder from office but the Lord Chancellor and the Lord Chief Justice consider removal or suspension to be the appropriate disciplinary action.

(2) The Lord Chancellor and the Lord Chief Justice must constitute a disciplinary panel and refer the complaint to it.

- (3) The disciplinary panel must—
 - (a) investigate the case in accordance with rules made under regulation 7; and
 - (b) advise the Lord Chancellor and the Lord Chief Justice whether disciplinary action should be taken, and if so, what disciplinary action should be taken.
- (4) The Lord Chancellor and the Lord Chief Justice must consider the advice provided by the disciplinary panel before making a decision in accordance with regulation 15.

Decision

15.—(1) This regulation applies where the Lord Chancellor and the Lord Chief Justice have considered advice in accordance with regulation 12 and decide either not to exercise, or exercise further, their powers in regulation 13 and regulation 14 does not apply.

- (2) The Lord Chancellor and the Lord Chief Justice may agree—
 - (a) to dismiss a case; or
 - (b) to take a particular disciplinary action.
- (3) Where a case is dismissed, the Lord Chancellor and the Lord Chief Justice may agree that—
 - (a) the alleged conduct took place but did not constitute misconduct; and
 - (b) the Lord Chief Justice may deal with the matter informally.

Notification of final decision

16.—(1) The Judicial Conduct Investigations Office must inform the persons listed in paragraph (2) of the decision made by the Lord Chancellor and Lord Chief Justice under regulation 15.

- (2) The persons referred to in paragraph (1) are—
 - (a) the office holder concerned;
 - (b) the complainant;
 - (c) if the complaint is about a tribunal member, the relevant President;
 - (d) if the complaint is about a justice of the peace, the chairman of the advisory committee and the bench chairman.