



# Constitutional Reform Act 2005

## 2005 CHAPTER 4

### PART 4

#### JUDICIAL APPOINTMENTS AND DISCIPLINE

### CHAPTER 3

#### DISCIPLINE

##### *Applications for review and references*

#### **110 Applications to the Ombudsman**

- (1) This section applies if an interested party makes an application to the Ombudsman for the review of the exercise by any person of a regulated disciplinary function, on the grounds that there has been—
  - (a) a failure to comply with prescribed procedures, or
  - (b) some other maladministration.
- (2) The Ombudsman must carry out a review if the following three conditions are met.
- (3) The first condition is that the Ombudsman considers that a review is necessary.
- (4) The second condition is that—
  - (a) the application is made within the permitted period,
  - (b) the application is made within such longer period as the Ombudsman considers appropriate in the circumstances, or
  - (c) the application is made on grounds alleging undue delay and the Ombudsman considers that the application has been made within a reasonable time.
- (5) The third condition is that the application is made in a form approved by the Ombudsman.

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**Changes to legislation:** *Constitutional Reform Act 2005, Section 110 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (6) But the Ombudsman may not review the merits of a decision made by any person.
- (7) If any of the conditions in subsections (3) to (5) is not met, or if the grounds of the application relate only to the merits of a decision, the Ombudsman—
- (a) may not carry out a review, and
  - (b) must inform the applicant accordingly.
- (8) In this section and sections 111 to 113, “regulated disciplinary function” means any of the following—
- (a) any function of the Lord Chancellor that falls within section 108(1);
  - (b) any function conferred on the Lord Chief Justice by section 108(3) to (7);
  - (c) any function exercised under prescribed procedures in connection with a function falling within paragraph (a) or (b).
- (9) In this section, in relation to an application under this section for a review of the exercise of a regulated disciplinary function—
- “interested party” means—
- (a) the judicial office holder in relation to whose conduct the function is exercised, or
  - (b) any person who has made a complaint about that conduct in accordance with prescribed procedures;
- “permitted period” means the period of 28 days beginning with the latest of—
- (a) the failure or other maladministration alleged by the applicant;
  - (b) where that failure or maladministration occurred in the course of an investigation, the applicant being notified of the conclusion or other termination of that investigation;
  - (c) where that failure or maladministration occurred in the course of making a determination, the applicant being notified of that determination.
- (10) References in this section and section 111 to the exercise of a function include references to a decision whether or not to exercise the function.

**Modifications etc. (not altering text)**

- C1** S. 110 applied (3.4.2006) by [The Judicial Discipline \(Prescribed Procedures\) Regulations 2006 \(S.I. 2006/676\)](#), **reg. 44** (with **reg. 45**)
- C2** Ss. 110-113 applied (with modifications) (18.8.2014) by [The Judicial Discipline \(Prescribed Procedures\) Regulations 2014 \(S.I. 2014/1919\)](#), **regs. 1, 22** (with **reg. 24**)
- C3** Ss. 110-113 applied (with modifications) (13.10.2023) by [The Judicial Discipline \(Prescribed Procedures\) Regulations 2023 \(S.I. 2023/1005\)](#), **regs. 1, 21** (with **reg. 3**)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 132(4A) words substituted by [2015 c. 2 s. 83\(1\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(2\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(3\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(4\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(6\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(8\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(9\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(10\)\(a\)](#)
- Sch. 7 para. 4Pt. A words substituted by [2007 c. 15 s. 144\(10\)\(b\)](#)