



Constitutional Reform Act 2005

2005 CHAPTER 4

PART 4

JUDICIAL APPOINTMENTS AND DISCIPLINE

CHAPTER 3

DISCIPLINE

Applications for review and references

111 Review by the Ombudsman

- (1) Where the Ombudsman is under a duty to carry out a review on an application under section 110, he must—
 - (a) on the basis of any findings he makes about the grounds for the application, decide to what extent the grounds are established;
 - (b) decide what if any action to take under subsections (2) to (7).
- (2) If he decides that the grounds are established to any extent, he may make recommendations to the Lord Chancellor and Lord Chief Justice.
- (3) A recommendation under subsection (2) may be for the payment of compensation.
- (4) Such a recommendation must relate to loss which appears to the Ombudsman to have been suffered by the applicant as a result of any failure or maladministration to which the application relates.
- (5) If the Ombudsman decides that a determination made in the exercise of a function under review is unreliable because of any failure or maladministration to which the application relates, he may set aside the determination.
- (6) If a determination is set aside under subsection (5)—

Changes to legislation: *Constitutional Reform Act 2005, Section 111 is up to date with all changes known to be in force on or before 20 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*

- (a) the prescribed procedures apply, subject to any prescribed modifications, as if the determination had not been made, and
 - (b) for the purposes of those procedures, any investigation or review leading to the determination is to be disregarded.
- (7) Subsection (6) is subject to any direction given by the Ombudsman under this subsection—
- (a) for a previous investigation or review to be taken into account to any extent, or
 - (b) for any investigation or review which may form part of the prescribed procedures to be undertaken, or undertaken again.
- (8) This section is subject to section 112.

Modifications etc. (not altering text)

- C1** S. 111 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)

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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\(10\)\(b\)](#)