
STATUTORY INSTRUMENTS

2006 No. 676

The Judicial Discipline (Prescribed Procedures) Regulations 2006

PART 1

Introductory

Citation and commencement

1. These regulations may be cited as the Judicial Discipline (Prescribed Procedures) Regulations 2006 and shall come into force on 3rd April 2006.

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 the appointment of justices of the peace;

“business day” means any day except Saturday, Sunday or a bank holiday, and “bank holiday” includes Christmas Day and Good Friday;

“case” means a complaint made under regulations 8, 9 or 10 or a referral made under regulation 13;

“complaint” means a complaint containing an allegation of misconduct by a judicial office holder;

“disciplinary action” means the exercise by the Lord Chancellor of his power to remove a person from an office listed in Schedule 14 to the Act; the exercise by the Lord Chief Justice of his powers under section 108(3), (4)(b) and (c) and (5) of the Act; or a decision to move an Address for the removal of a senior judge by both Houses of Parliament;

“judicial office holder” means a senior judge, a holder of an office listed in Schedule 14 to the Act, or the holder of an office which has been designated by an order under section 118 of the Act(1);

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

“President” in relation to a tribunal means a President or other judicial office holder with disciplinary responsibility for tribunal members and includes any judicial office holder designated to exercise such disciplinary responsibility under rules made under regulation 10;

“the subject of the disciplinary proceedings” means the judicial office holder whose conduct is being considered in accordance with these regulations.

(1) Schedule 14 to the Constitutional Reform Act 2005 has been amended to add certain offices by S.I.2006/678 and is applied to coroners by S.I. 2006/677.

- (2) In these regulations, a reference to the Lord Chief Justice is to be read—
- (a) in relation to a judicial 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 a judicial 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.

Office for Judicial Complaints

3.—(1) The Lord Chancellor shall, 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) shall be known collectively as the Office for Judicial Complaints.

(3) The Office for Judicial Complaints may undertake such enquiries as are necessary for it to perform its functions under these regulations.

(4) A complainant or the subject of the disciplinary proceedings must reply to a request made by the Office for Judicial Complaints pursuant to those enquiries within twenty business days of that request.

Time limits within which a complaint must be made

4.—(1) A complaint must be made within twelve months of the event or matter complained of.

(2) But a complaint relating to a continuing state of affairs may be made at any time while that state of affairs continues or within twelve months from when it ends.

(3) Subject to regulation 5, an advisory committee, a President or the Office for Judicial Complaints must dismiss a complaint without further investigation if the complaint is made outside the time limits set out at paragraphs (1) and (2).

Extension of time limits

5.—(1) The Office for Judicial Complaints, an advisory committee, a President, an investigating judge or a review body, as the case may be, may extend a time limit under these regulations, whether or not the time limit has expired, where there is good reason to do so.

(2) A person who is refused an extension of a time limit under paragraph (1) may make representations to the Office for Judicial Complaints asking it to refer the request for an extension to the Lord Chancellor or to the Lord Chief Justice.

(3) The person must make such representations within ten business days of being notified of the refusal.

(4) The Lord Chancellor or the Lord Chief Justice may extend a time limit under these regulations, whether or not the time limit has expired, where there is good reason to do so.

Failure to comply with time limits

6.—(1) This regulation applies where any person who has been invited to make representations to a person exercising functions under these regulations or under rules made under these regulations has not complied with the relevant time limit for doing so.

(2) The person exercising the functions may—

- (a) continue to deal with the case,

- (b) treat representations made outside the relevant time limit as if they had not been made,
 - (c) complete any report,
 - (d) recommend the dismissal of the case or the ending of an investigation or a review, or
 - (e) where the regulations or rules made under them specifically permit, dismiss the case.
- (3) But a review body may only recommend ending a review under paragraph 2(d) where the case was referred to it under regulation 29(1)(d).

Measurement of time for doing an act

7. In these regulations the time for doing any act in response to a notification, invitation or request made under the regulations runs from the second business day after the day on which the notification or request is sent by first class post, e-mail or fax to the person invited or required to do that act.