
STATUTORY INSTRUMENTS

2006 No. 676

The Judicial Discipline (Prescribed Procedures) Regulations 2006

PART 2

Complaints and Referrals

Complaints made to the Office for Judicial Complaints

8. Subject to regulations 9 and 10, a complaint must be made to the Office for Judicial Complaints.

Complaints made to advisory committees

9.—(1) A complaint about a justice of the peace must be made in accordance with rules made under paragraph (2) 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⁾.

(2) The Lord Chief Justice shall, with the agreement of the Lord Chancellor, make rules for dealing with complaints about justices of the peace.

(3) Where an advisory committee sends a case to the Office for Judicial Complaints in accordance with rules made under paragraph (2), it will be dealt with under regulation 19.

(4) The Lord Chancellor and the Lord Chief Justice, or either of them, may determine that a complaint which has been dismissed by an advisory committee or which the advisory committee is minded to dismiss shall nevertheless be subject to further consideration under the rules and these regulations where the complaint is sufficiently serious for further consideration to be necessary.

(5) Where there has been a determination under the previous paragraph, the case must be sent to the advisory committee for further consideration.

Complaints made in relation to tribunals

10.—(1) A complaint about a relevant tribunal member, other than a President, must be made to the President of the tribunal concerned in accordance with rules made under paragraph (2).

(2) The Lord Chief Justice, with the agreement of the Lord Chancellor, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland, shall make rules dealing with complaints about tribunal members.

(3) A relevant tribunal member for the purposes of paragraph (1) is a tribunal member to whom rules made under paragraph (2) apply.

(4) Where a President sends a case to the Office for Judicial Complaints in accordance with rules made under paragraph (2), it shall be dealt with under regulation 19.

(1) 2003 c. 39: the local justice areas are listed at [SI 2005/554](#) as amended by [SI/2005/2949](#).

(5) Where, under rules made under paragraph (2), a President has found a case to be substantiated and he has decided to keep a record of the case in a form which may be referred to in future disciplinary proceedings, he must notify the tribunal member.

(6) The tribunal member may make representations to the Lord Chancellor and the Lord Chief Justice within ten business days of the notification by the President.

(7) After considering any representations under the previous paragraph and any advice from the President, the Lord Chancellor or the Lord Chief Justice may decide to appoint an investigating judge if he considers that the case is sufficiently serious or complex enough to require judicial investigation.

(8) Where an investigating judge is not appointed under the previous paragraph, the Lord Chancellor and the Lord Chief Justice shall deal with the case under Part 6.

(9) The Lord Chancellor and the Lord Chief Justice, or either of them, may determine that a complaint which has been dismissed by a President or which the President is minded to dismiss shall nevertheless be subject to further consideration under the rules and these regulations where the complaint is sufficiently serious for further consideration to be necessary.

(10) Where there has been a determination under the previous paragraph, the case must be sent to the President for further consideration.

Form of a complaint

11. A complaint to the Office for Judicial Complaints, an advisory committee or a President must be made in writing, unless the Office for Judicial Complaints, the advisory committee or the President considers that in the circumstances it is reasonable to accept a complaint in another form.

Withdrawal of complaint

12.—(1) The complainant may withdraw a complaint at any time.

(2) A complaint must be treated as withdrawn if the complainant indicates that he does not want the complaint or any further information which he has provided to be disclosed to the subject of the disciplinary proceedings.

(3) If a complaint is withdrawn or treated as withdrawn at any time, but the Lord Chancellor or the Lord Chief Justice considers that the matters which it raised are sufficiently serious for further consideration to be necessary, he may direct that the complaint shall be considered further under these regulations or under rules made under these Regulations.

Referral of other information for consideration

13.—(1) Where no complaint is being considered under these regulations or under rules made under these regulations, but the Lord Chancellor or the Lord Chief Justice receives information from any source which suggests to him that disciplinary proceedings might be justified, he may refer that information to the Office for Judicial Complaints to be dealt with under these regulations, or to an advisory committee or President, as the case may be, to be dealt with in accordance with their rules.

(2) The Office for Judicial Complaints may, after making any enquiries which it thinks necessary, refer the case to the nominated judge in accordance with regulation 16.