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STATUTORY INSTRUMENTS

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**2006 No. 676**

**The Judicial Discipline (Prescribed  
Procedures) Regulations 2006**

**PART 3**

**Consideration by the Office for Judicial Complaints and the Nominated Judge**

**Consideration of a complaint by the Office for Judicial Complaints**

**14.**—(1) Unless there are reasons why it believes that a complaint should be investigated, the Office for Judicial Complaints must dismiss a complaint, or part of a complaint, if it falls into any of the following categories—

- (a) it does not adequately particularise the matter complained of;
- (b) it is about a judicial decision or judicial case management, and raises no question of misconduct;
- (c) the action complained of was not done or caused to be done by a judicial office holder;
- (d) it is vexatious;
- (e) it is without substance or, even if substantiated, would not require any disciplinary action to be taken;
- (f) it is untrue, mistaken or misconceived;
- (g) it raises a matter which has already been dealt with, whether under these regulations or otherwise, and does not present any material new evidence;
- (h) it is about a person who no longer holds any judicial office;
- (i) it is about the private life of a judicial office holder and could not reasonably be considered to affect his suitability to hold judicial office;
- (j) it is about the professional conduct in a non-judicial capacity of a judicial office holder and could not reasonably be considered to affect his suitability to hold judicial office;
- (k) for any other reason it does not relate to misconduct by a judicial office holder.

(2) The Office for Judicial Complaints may not dismiss a complaint under paragraph (1)(a) unless it has given the complainant a reasonable opportunity to provide adequate particulars of the complaint.

**Further consideration of a complaint liable to be dismissed under regulation 14**

**15.** But the Lord Chancellor and the Lord Chief Justice, or either of them, may determine that a complaint which has been dismissed by the Office for Judicial Complaints or which the Office for Judicial Complaints is minded to dismiss under regulation 14(1) shall nevertheless be subject to further consideration under these regulations where the complaint is sufficiently serious for further consideration to be necessary.

### **Referral to nominated judge**

16. The Office for Judicial Complaints must refer the case to a nominated judge where—
- (a) a complaint has not been dismissed by the Office for Judicial Complaints under regulations 4 or 14;
  - (b) it is a referral under regulation 13; or
  - (c) the Lord Chancellor or the Lord Chief Justice has determined under regulation 15 that further consideration of the case is necessary.

### **Nomination of nominated judge**

17.—(1) The nominated judge shall be a judicial office holder who is nominated by the Lord Chief Justice with the agreement of the Lord Chancellor.

(2) The Lord Chief Justice may nominate a different judicial office holder to deal with different cases.

(3) In a particular case, the nominated judge must be of at least the same judicial rank as the subject of the disciplinary proceedings.

### **Functions of nominated judge**

18. The nominated judge shall advise the Lord Chancellor and the Lord Chief Justice—
- (a) whether the case should be dismissed with no further action;
  - (b) whether a judicial investigation is required; and if so, how the investigation should be carried out; and what matters should be considered in that investigation;
  - (c) whether disciplinary action should be taken without further investigation and, if so, what disciplinary action should be taken; and
  - (d) whether, in addition to or without a judicial investigation, some other action should be taken.