
STATUTORY INSTRUMENTS

2006 No. 676

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

PART 6

Proposed Disciplinary Action, Notification and Final Decision

Decisions and proposed disciplinary action

26.—(1) Where they have considered advice from a nominated judge, the report of an advisory committee or a President under regulation 19 or the report of an investigating judge under Part 5, the Lord Chancellor and the Lord Chief Justice may agree that—

- (a) the case is unsubstantiated and is dismissed;
- (b) the case is substantiated wholly or in part, but does not require further action and is dismissed;
- (c) the case is substantiated wholly or in part, but should be dealt with informally by the Lord Chief Justice;
- (d) if the case is about a tribunal member, it should be dealt with by a President;
- (e) the case is substantiated wholly or in part and—
 - (i) the Lord Chief Justice will exercise one or more of his disciplinary powers;
 - (ii) the Lord Chancellor will exercise his power to remove the subject of the disciplinary proceedings from judicial office; or
 - (iii) the Lord Chancellor will move an Address;
- (f) they will refer the case to a review body under Part 7.

(2) Where a case has been reviewed by a review body, the Lord Chancellor and the Lord Chief Justice shall be bound by any findings of fact made by the review body, and shall not take any disciplinary action more severe than that recommended by the review body.

(3) The Lord Chancellor and the Lord Chief Justice may, after considering the review body's report, propose to take action under paragraphs (1)(a) to (e).

(4) If the Lord Chancellor and the Lord Chief Justice cannot agree what action should be proposed, the case is dismissed.

Notification of proposed disciplinary action and final decision

27.—(1) Where the Lord Chancellor and the Lord Chief Justice propose to take a particular disciplinary action under regulation 26 or to make a record of the case in a form that may be referred to in any future disciplinary proceedings, they must—

- (a) notify the subject of the disciplinary proceedings of the proposal;

- (b) state that the case will be recorded in a form that may be referred to in any future disciplinary proceedings, and
 - (c) invite him to make representations.
- (2) The subject of the disciplinary proceedings must make any representations within twenty business days of an invitation under paragraph (1)(c).
- (3) After considering any representations made under paragraph (2), the Lord Chancellor and the Lord Chief Justice must make a final decision.
- (4) The Lord Chancellor and the Lord Chief Justice must notify the subject of the disciplinary proceedings of their decision.
- (5) If the Lord Chancellor and the Lord Chief Justice cannot agree what action should be taken, the case is dismissed.