
STATUTORY INSTRUMENTS

2023 No. 1005

**The Judicial Discipline (Prescribed
Procedures) Regulations 2023**

Part 4

Miscellaneous

Interim suspension

17.—(1) Where a person or body investigating a complaint considers that the matter should be referred to the Lord Chief Justice with a view to the exercise of the power under section 108(7) of the Act to suspend the office holder concerned on an interim basis, that person or body must send a report to that effect to the Lord Chancellor and the Lord Chief Justice.

(2) If the Lord Chief Justice decides to suspend an office holder from their office under section 108(4)(a), (6) or (7) of the Act, the Lord Chief Justice must—

- (a) notify the office holder concerned of the suspension, the reasons for it and if the suspension is not immediate, the time when it comes into effect;
- (b) notify the office holder concerned of the factors that will be taken into account in determining when the suspension will end; and
- (c) invite the office holder concerned to make representations.

(3) The office holder concerned must make any representations within ten working days of the notification under paragraph (2).

(4) Where, after a suspension comes into effect, any of the factors which the Lord Chief Justice has indicated would be taken into account in accordance with paragraph (2)(b) become operative or cease to apply, or any other matter which the Lord Chancellor and the Lord Chief Justice consider relevant arises, the Lord Chancellor and the Lord Chief Justice must—

- (a) decide whether continuation of the suspension is appropriate;
- (b) notify the office holder concerned of their decision under sub-paragraph (a) and of the reasons for that decision; and
- (c) invite the office holder concerned to make representations.

(5) The office holder concerned must make any representations within ten working days of a notification under paragraph (4).

Publication of decision

18.—(1) The Lord Chancellor and the Lord Chief Justice may agree to the publication of information about disciplinary proceedings or the issuing of a disciplinary sanction.

(2) Publication for this purpose means any form of communication which is addressed to an individual, a section of the public or the public at large.

Requirements in relation to reviews by the Ombudsman

19.—(1) If the Ombudsman requests from any person information for the purposes of a review carried out under section 111 of the Act⁽¹⁾, and such information is not provided within ten working days of the notification of the request, or within such other period as the Ombudsman indicates, the Ombudsman may—

- (a) prepare the review without regard to that information, and
- (b) disregard any representations made out of time by the person concerned.

(2) The Lord Chancellor, the Lord Chief Justice or any person or body conducting an investigation in accordance with rules made under regulation 7 must provide the Ombudsman with such information as the Ombudsman may reasonably require for the purposes of a review carried out under section 111 or section 113 of the Act⁽²⁾.

(3) Where the Ombudsman directs under section 111(7)(b) of the Act that an investigation should be undertaken or undertaken again, the case must be investigated or investigated again in accordance with rules made under regulation 7.

Scotland and Northern Ireland: eligibility to exercise functions

20. Where the office holder concerned is a member of a tribunal which has jurisdiction throughout Great Britain or the United Kingdom, the following office holders may also be nominated as a nominated judge under regulation 8, as an investigating judge under regulation 10 or as a member of a disciplinary panel under regulation 11—

- (a) where the office holder concerned exercises functions wholly or mainly in Scotland, a sheriff, a sheriff principal or a judge of the Court of Session;
- (b) where the office holder concerned exercises functions wholly or mainly in Northern Ireland, the holder of an office listed in Schedule 1 to the Justice (Northern Ireland) Act 2002⁽³⁾.

Scotland and Northern Ireland: Judicial Appointments and Conduct Ombudsman

21. Sections 110⁽⁶⁾ to 113 of the Act apply—

- (a) in relation to office holders who exercise functions wholly or mainly in Scotland as if in section 110(8)(b) of the Act the reference to the Lord Chief Justice of England and Wales were a reference to the Lord President of the Court of Session; and
- (b) in relation to office holders who exercise functions wholly or mainly in Northern Ireland as if in section 110(8)(b) of the Act the reference to the Lord Chief Justice of England and Wales were a reference to the Lord Chief Justice of Northern Ireland.

Ceasing to hold office

22.—(1) Subject to paragraphs (2) and (4), where the office holder concerned ceases to hold their office, consideration of the complaint under these Regulations or rules made under regulation 7 must cease.

(2) The Lord Chancellor and the Lord Chief Justice may continue to deal with the case and then make a finding of misconduct in relation to the office holder concerned where the circumstances in paragraph (3) apply.

(1) Section 111 was extended by the Coroners and Justice Act 2009, Schedule 3, paragraph 14.

(2) Section 113 was extended by the Coroners and Justice Act 2009, Schedule 3, paragraph 14.

(3) 2002 c. 26.

(6) Sections 110 and 112 were extended by the Coroners and Justice Act 2009, Schedule 3, paragraph 14.

- (3) The circumstances are—
 - (a) the office holder concerned ceases to hold their office;
 - (b) a disciplinary panel or an investigating judge proposes to advise, or has advised, the Lord Chancellor and the Lord Chief Justice that the office holder concerned should be removed from holding their office; and
 - (c) no decision has been made under regulation 15.
- (4) Paragraph (1) does not apply where—
 - (a) the office holder concerned has ceased to hold their office; but
 - (b) the Ombudsman directs under section 111(7)(b) of the Act that an investigation should be undertaken or undertaken again.

Consequential amendments

23.—(1) The Justices of the Peace Rules 2016⁽⁴⁾ are amended as follows.

(2) In rule 31(2)(e), for “the Judicial Conduct (Magistrates) Rules 2014” substitute “rules made under regulation 7 of the Judicial Discipline (Prescribed Procedures) Regulations 2014⁽⁵⁾ or regulation 7 of the Judicial Discipline (Prescribed Procedures) Regulations 2023”.

(3) In rule 32(2)(i), for “the Judicial Conduct (Magistrates) Rules 2014” substitute “rules made under regulation 7 of the Judicial Discipline (Prescribed Procedures) Regulations 2014 or regulation 7 of the Judicial Discipline (Prescribed Procedures) Regulations 2023”.

⁽⁴⁾ S.I. 2016/709; rules 31 and 32 were amended by S.I. 2020/100.

⁽⁵⁾ S.I. 2014/1919.