
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the procedures to be followed under chapter 3 of Part 4 of the Constitutional Reform Act 2005 (c.4.) to investigate and determine possible misconduct by a judicial office holder, a coroner or a holder of an office that has been designated by an order under section 118 of the Constitutional Reform Act 2005 (c.4).

These Regulations replace the Judicial Discipline (Prescribed Procedures) Regulations 2014 (S.I. 2014/1919) for all complaints made on or after the date on which these Regulations come into force.

Part 1 defines certain terms used in the Regulations (regulation 2) and sets out the offices that the Regulations apply to (regulation 3). It also provides for the designation of dedicated officials in the Judicial Conduct Investigations Office to support the Lord Chancellor, the Lord Chief Justice of England and Wales, the Lord President of the Court of Session or the Lady Chief Justice of Northern Ireland in the exercise of their functions (regulation 4).

Part 2 sets out the process for complaints to be investigated. It also sets out the types of provision that can be made in rules made by the Lord Chief Justice with the agreement of the Lord Chancellor (regulation 7).

Part 3 deals with the decision making process, including how the Lord Chancellor and the Lord Chief Justice can consider advice (regulation 12), refer the case for further consideration (regulation 13) and make decisions (regulations 14, 15 and 16).

Part 4 makes various miscellaneous provisions. These include how to deal with the possible interim suspension of an office holder (regulation 17), reviews by the Ombudsman (regulation 19) and the effect of cessation of office by an office holder under the disciplinary process (regulation 22).