
STATUTORY INSTRUMENTS

2023 No. 1005

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

Part 3

Decisions

Consideration of advice

12. Before making a decision under regulation 15 in relation to a case, the Lord Chancellor and the Lord Chief Justice must consider any advice provided by a person who, or a body that, has investigated a case in accordance with rules made under regulation 7.

Further investigation

13.—(1) This regulation applies where the Lord Chancellor and the Lord Chief Justice have considered advice in accordance with regulation 12 and they require further investigation before making a decision under regulation 15.

(2) If the Lord Chancellor and the Lord Chief Justice agree, they may refer a case to a person or body listed in paragraph (3) to further investigate.

(3) The persons and bodies are—

- (a) where the office holder concerned is not a justice of the peace, a nominated judge;
- (b) where the office holder concerned is a justice of the peace, a nominated committee member;
- (c) an investigating judge; or
- (d) a disciplinary panel.

(4) Any further investigation must be carried out in accordance with rules made under regulation 7.

Removal or suspension when other disciplinary power is recommended

14.—(1) This regulation applies where—

- (a) advice has been provided to the Lord Chancellor and the Lord Chief Justice by a person who, or a body that, has investigated a case in accordance with rules made under regulation 7; and
- (b) that advice does not recommend the removal or suspension of an office holder from office but the Lord Chancellor and the Lord Chief Justice consider removal or suspension to be the appropriate disciplinary sanction.

(2) The Lord Chancellor and the Lord Chief Justice must constitute a disciplinary panel and refer the complaint to it.

(3) The disciplinary panel must—

- (a) investigate the case in accordance with rules made under regulation 7; and
- (b) advise the Lord Chancellor and the Lord Chief Justice whether a disciplinary sanction should be issued, and if so, what disciplinary sanction should be issued.

Decision

15.—(1) This regulation applies where the Lord Chancellor and the Lord Chief Justice have considered advice in accordance with regulation 12 and decide either not to exercise, or exercise further, their powers in regulation 13, and regulation 14 either does not apply or has been complied with.

- (2) The Lord Chancellor and the Lord Chief Justice may agree—
 - (a) to dismiss a case; or
 - (b) to issue a particular disciplinary sanction.
- (3) Where a case is dismissed, the Lord Chancellor and the Lord Chief Justice may agree that—
 - (a) the alleged conduct took place but did not constitute misconduct; and
 - (b) the Lord Chief Justice may deal with the matter informally.

Notification of final decision

16.—(1) The JCIO must inform the persons listed in paragraph (2) of the decision made by the Lord Chancellor and the Lord Chief Justice under regulation 15.

- (2) The persons referred to in paragraph (1) are—
 - (a) the office holder concerned;
 - (b) the complainant;
 - (c) if the complaint is about a justice of the peace, the secretary.