

The Judicial Conduct (Judicial and other office holders) Rules 2014

Coming into force - -

18th August 2014

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The Lord Chief Justice of England and Wales, in exercise of powers conferred by sections 115 and 117 of the Constitutional Reform Act 2005, under paragraph 14 of Schedule 3 to the Coroners and Justice Act 2009, and under regulation 7 of the Judicial Discipline (Prescribed Procedures) Regulations 2014 and with the agreement of the Lord Chancellor, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland, makes the following Rules:

PART 1
General

Citation and commencement

1. These Rules may be cited as the Judicial Complaints (Judicial and other office holders) Rules 2014 and shall come into force on 18th August 2014.

Definitions

2.—(1) In these Rules—

“the Act” means the Constitutional Reform Act 2005;

“area coroner” means a person appointed as such under paragraph 2 of Schedule 3 to the Coroners and Justice Act 2009;

“assistant coroner” means a person appointed as such under paragraph 2 of Schedule 3 to the Coroners and Justice Act 2009;

“bank holiday” means a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom where service is to take place;

“business day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in the United Kingdom;

“case” means a complaint or issue of misconduct being considered under these Rules;
“complaint” means a complaint containing an allegation of misconduct by a person holding an office;

“disciplinary action” means—

- (a) the exercise by the Lord Chancellor of the Lord Chancellor’s power to remove a person from office;
- (b) the exercise by the Lord Chief Justice of the Lord Chief Justice’s powers under section 108(3), (4)(b) and (c) and (5) of the Act; or
- (c) a decision to move an Address for the removal of a senior judge by both Houses of Parliament;

“disciplinary panel” has the meaning given by regulation 11 of the Regulations;

“investigating judge” has the meaning given by regulation 10 of the Regulations;

“office” means an office listed in regulation 3 of the Regulations;

“office holder concerned” means the holder of an office whose conduct is being considered in accordance with these Rules;

“licensing body” means any body that licenses or regulates any profession;

“nominated judge” has the meaning given by regulation 9 of the Regulations;

“Regulations” means the Judicial Discipline (Prescribed Procedures) Regulations 2014;

“senior coroner” means a person appointed as such under paragraph 1 of Schedule 3 to the Coroners and Justice Act 2009;

“senior judge” has the meaning given in section 109(5) of the Act.

(2) In these Rules, unless the contrary intention appears, a reference to the Lord Chief Justice is to be read—

- (a) in relation to an office holder who exercises functions wholly or mainly in Scotland, as a reference to the Lord President of the Court of Session;
- (b) in relation to an office holder who exercises functions wholly or mainly in Northern Ireland, as a reference to the Lord Chief Justice of Northern Ireland;
- (c) otherwise, as a reference to the Lord Chief Justice of England and Wales.

Application of Rules

3. Subject to rule 4, these Rules apply to—

- (a) a judicial office;
- (b) an office which has been designated under section 118 of the Act;
- (c) the offices of senior coroner, area coroner or assistant coroner.

4. These Rules do not apply to—

- (a) a justice of the peace who is not a District Judge (Magistrates’ Courts); or
- (b) a tribunal member as defined in the Judicial Conduct (Tribunals) Rules 2014.

Making a complaint about judicial misconduct

5. A complaint must be made to the Judicial Conduct Investigations Office.

6. A complaint must contain an allegation of misconduct.

7. A complaint must be made in a complaint document unless the Judicial Conduct Investigation Office agrees to accept a complaint in another form.

8. A “complaint document” is a document in writing which—

- (a) is legible;

- (b) contains an allegation of misconduct on the part of a named or identifiable person holding an office;
- (c) states the date, or dates, the alleged misconduct took place; and
- (d) states the name and address of the person who is making the complaint.

9. A complaint document is to be accompanied by the originals or copies of all the documents within the control of the complainant to which he or she intends to refer.

10. The Judicial Conduct Investigations Office must not accept a complaint in any case where the complainant states that they do not want the office holder concerned to see a copy of the complaint document or of any document accompanying it.

Time limits within which a complaint must be made

11. A complaint must be made within three months of the latest event or matter complained of.

12. Subject to rule 14 (extension of time limits), the Judicial Conduct Investigations Office must not accept a complaint if the complaint is made outside the time limit in rule 11.

13. The complainant must be informed—

- (a) that their complaint has not been accepted because it is out of time; and
- (b) that they may make representations within ten business days of the notification that their complaint is out of time to the Judicial Conduct Investigations Office for an extension of the time limit.

Extension of time limits

14. The Judicial Conduct Investigations Office may extend the time limit for making a complaint only in exceptional circumstances.

15. The fact that a complaint may contain an allegation of misconduct will not, by itself, be sufficient reason for the Judicial Conduct Investigations Office to accept a complaint outside the three month time limit.

16. The Judicial Conduct Investigations Office may extend or shorten any other time limit under these Rules, whether or not the time limit has expired, where there is good reason to do so.

17. Where the Judicial Conduct Investigations Office has extended a time limit, it must—

- (a) inform the complainant and, if they are aware of the complaint, the office holder concerned; and
- (b) keep a record of the reasons for the extension.

Measurement of time for doing an act

18. In these Rules the time for doing any act in response to a notification, invitation or request (“the document”) starts on the day that corresponds to the method of delivery used in relation to the notification, invitation or request shown in the table below-

Method of delivery	Starting day
First class post (or other method which provides for delivery on the next business day).	The second business day after the day on which the document was posted.
Second class post.	The third business day after the day on which the document was posted.
Delivering the document to or leaving it at a	If it is delivered to or left at the permitted

permitted address.	address on a business day before 4.30pm, that day; or in any case, if delivered at, or after, 4.30pm, the next business day.
Fax.	If the transmission of the fax is completed on a business day before 4.30pm, that day; or in any other case, if transmitted at, or after, 4.30pm, the next business day.
Other electronic method.	If an e-mail or other electronic transmission is sent on a business day before 4.30pm, that day; or in any other case, if an e-mail or other electronic transmission is sent at, or after, 4.30pm, the next business day.

PART 2

Investigation by the Judicial Conduct Investigations Office

Scope

19. This Part applies where—

- (a) a complaint is made to the Judicial Conduct Investigations Office;
- (b) the Lord Chancellor and the Lord Chief Justice refer a complaint to the Judicial Conduct Investigations Office in accordance with regulation 13 of the Regulations;
- (c) the Ombudsman refers a case to the Judicial Conduct Investigations Office to investigate under section 111(7)(b) of the Act; or
- (d) a nominated judge refers a case to the Judicial Conduct Investigations Office under rule 97.

The investigation process by the Judicial Conduct Investigations Office

20. A complaint must initially be considered by the Judicial Conduct Investigations Office.

21. The Judicial Conduct Investigations Office 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 person holding an office;
- (d) it is vexatious;
- (e) it is without substance;
- (f) even if true, it would not require any disciplinary action to be taken;
- (g) it is untrue, mistaken or misconceived;
- (h) it raises a matter which has already been dealt with, whether under these Rules or otherwise, and does not present any material new evidence;
- (i) it is about a person who no longer holds an office;
- (j) it is about the private life of a person holding an office and could not reasonably be considered to affect their suitability to hold office;

- (k) it is about the professional conduct in a non-judicial capacity of a person holding an office and could not reasonably be considered to affect their suitability to hold office;
- (l) for any other reason it does not relate to misconduct by a person holding office.

Procedure

22. The Judicial Conduct Investigations Office may not dismiss a complaint under rule 21(a) unless it has given the complainant an opportunity to provide adequate details of the complaint. A complainant must provide any further details within 15 business days of the request for details made by the Judicial Conduct Investigations Office to the complainant.

23. Where an account of facts given by a complainant differs from an account given by the office holder concerned, the Judicial Conduct Investigations Office must consider any source of independent evidence which exists and which may help to verify the facts in dispute before it dismisses a complaint, unless to do so would be disproportionate in all the circumstances.

24. Where the Judicial Conduct Investigations Office dismisses a complaint, it must inform—

- (a) the complainant of the dismissal and the reasons for it; and
- (b) if they are aware of the complaint, the office holder concerned.

25. Where the Judicial Conduct Investigations Office does not dismiss a complaint under rule 21, it must—

- (a) deal with the complaint under the summary process (Part 3); or
- (b) refer the complaint to a nominated judge to consider (Part 4).

Procedure to be followed before a referral is made to a nominated judge

26. Before a referral can be made to a nominated judge, the Judicial Conduct Investigations Office must—

- (a) provide the office holder concerned with—
 - (i) details of the complaint;
 - (ii) any supporting documents (see rule 9); and
 - (iii) any other information that the Judicial Conduct Investigations Office has obtained when considering the complaint;
- (b) invite the office holder concerned to comment upon the complaint within 20 business days of the invitation to do so; and
- (c) consider any comments received from the office holder concerned.

27. The Judicial Conduct Investigations Office can continue to refer the complaint to a nominated judge only if—

- (a) the office holder concerned has provided comments within the time provided; or
- (b) the time has elapsed for providing comments and the office holder concerned has not responded.

Interim suspension

28. Regulation 17 of the Regulations governs the procedure relating to the possible interim suspension of an office holder.

PART 3

Summary process

Scope

29. This Part applies where the Judicial Conduct Investigations Office has—

- (a) considered a complaint in accordance with rule 20; and
- (b) concludes that one of the grounds in rule 30 applies.

Summary process

30. The Judicial Conduct Investigations Office may advise the Lord Chancellor and the Lord Chief Justice that the office holder concerned should be removed from office without further investigation where the office holder concerned—

- (a) has been convicted in the United Kingdom of a criminal offence and has been sentenced to imprisonment, including a suspended sentence, as defined in section 189(7)(b) of the Criminal Justice Act 2003;
- (b) has been convicted elsewhere of any criminal offence which, if committed in any part of the United Kingdom would constitute a criminal offence, and has been sentenced to imprisonment, including a suspended sentence;
- (c) has been committed to prison for contempt of court (including a suspended committal order);
- (d) has been convicted in the United Kingdom of an offence involving dishonesty, deception, theft or perverting the course of justice;
- (e) has been convicted in the United Kingdom of a sexual offence or of a violent offence;
- (f) has been cautioned in relation to an offence falling within paragraphs (d) and (e) of this rule;
- (g) is an undischarged bankrupt or a person whose estate has had a sequestration awarded in respect of it and who has not been discharged;
- (h) is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or an order of like effect made in Scotland or Northern Ireland;
- (i) has made a composition or arrangement with, or granted a trust deed for, creditors and not been discharged in respect of it;
- (j) is subject to—
 - (i) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986;
 - (ii) a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002; or
 - (iii) an order made under section 429(2) of the Insolvency Act 1986 (disabilities on revocation of administration order against an individual);
- (k) has failed to disclose information concerning their suitability to hold office to—
 - (i) the Judicial Appointments Commission; or
 - (ii) the person who made the appointment or who made the recommendation for the appointment,which the office holder concerned knew about before their appointment to their office;
- (l) has at any time been subject to any investigation or proceedings concerning their fitness to practise by any licensing body, the final outcome of which was—
 - (i) the suspension of the office holder concerned from a register held by the licensing body, and that suspension has not been terminated,

- (ii) the erasure of the name of the office holder concerned from a register held by the licensing body,
- (iii) a decision that had the effect of preventing the office holder concerned from practising the profession licensed or regulated by the licensing body, or
- (iv) a decision that had the effect of only allowing the office holder concerned to practise that profession subject to conditions, and those conditions have not been lifted;
- (m) has been removed from another office in accordance with prescribed procedures;
- (n) has failed without reasonable excuse to comply with any sitting requirement specified in the terms of appointment to the office concerned;
- (o) is subject to any form of restriction or restraint in bringing proceedings before a court or a tribunal in any part of the United Kingdom.

Procedure

31. Before advice may be given under rule 30, the Judicial Conduct Investigations Office must give the office holder concerned an opportunity to make representations as to—

- (a) whether the alleged ground took place; and
- (b) if so, why they should not be removed from their office.

32. The office holder concerned must provide the representations referred to in rule 31 within 15 business days of the request for them.

33. The Judicial Conduct Investigation Office can continue to provide advice under rule 30 only if—

- (a) the office holder concerned has provided representations within the time allowed; or
- (b) the time allowed for providing representations has elapsed and the office holder concerned has not provided any representations.

Report

34. The Judicial Conduct Investigations Office must prepare a report if they intend to advise the Lord Chancellor and the Lord Chief Justice under rule 30.

35. The report must state—

- (a) that one or more of the grounds under rule 30 applies; and
- (b) any representations provided by the judicial office holder or office holder concerned under rule 31.

Reporting procedure

36. The Judicial Conduct Investigations Office must send the report to—

- (a) the Lord Chancellor and the Lord Chief Justice;
- (b) the office holder concerned.

PART 4

Consideration by nominated judge

Scope

37. This Part applies where—

- (a) the Judicial Conduct Investigations Office refers a complaint to a nominated judge under rule 25;

- (b) the Lord Chancellor and the Lord Chief Justice refer a complaint to a nominated judge under regulation 13 of the Regulations; or
- (c) the Ombudsman refers a case to a nominated judge under section 111(7)(b) of the Act.

Consideration by nominated judge

38. The nominated judge must consider a complaint and—

- (a) determine the facts of a matter;
- (b) determine whether the facts amount to misconduct; and
- (c) advise as to whether disciplinary action should be taken and if so what.

39. Any question as to whether a fact is established must be decided on the balance of probabilities.

40. For the purposes of considering a complaint the nominated judge may—

- (a) make such inquiries into the allegation as they consider appropriate;
- (b) request any documents which appear to be relevant;
- (c) interview any person they consider appropriate.

Dismissal, referral and recommendations by nominated judge

41. The nominated judge may—

- (a) advise the Lord Chancellor and the Lord Chief Justice that a complaint should be dismissed;
- (b) dismiss a complaint;
- (c) deal with a complaint informally and direct that it may be considered as a pastoral or training matter;
- (d) recommend that disciplinary action should be taken; or
- (e) refer a complaint to an investigating judge in accordance with rule 44.

42. A nominated judge may only dismiss a complaint under rule 41(b) or make a direction under rule 41(c) where they consider that there has been no misconduct.

43. Where the nominated judge dismisses a complaint under rule 41(b) or makes a direction under rule 41(c), they must inform—

- (a) the complainant of the dismissal and the reasons for it and, if applicable, that a direction has been given that the complaint is to be considered as a pastoral or training matter; and
- (b) the office holder concerned.

44. The nominated judge may refer a complaint, or part of a complaint, to an investigating judge to investigate in accordance with Part 5 where they consider that a complaint is sufficiently serious or complex, or that a detailed investigation is required to establish the facts of a complaint.

45. Where a complaint is referred to an investigating judge, the nominated judge must inform the office holder concerned and the complainant accordingly.

Report of nominated judge

46. The nominated judge must prepare a report if they—

- (a) advise the Lord Chancellor and the Lord Chief Justice under rule 41(a) to dismiss a complaint;
- (b) recommend that disciplinary action should be taken.

47. Where the nominated judge advises dismissal of a complaint the report must state—

- (a) what findings of fact the nominated judge has made; and
- (b) why they consider that the complaint should be dismissed.

48. Where the nominated judge considers that the office holder concerned should be removed or suspended from office the report must state—

- (a) what findings of fact the nominated judge has made;
- (b) what misconduct there has been; and
- (c) why the nominated judge considers removal or suspension from office to be an appropriate sanction;

49. Where the nominated judge considers that some other disciplinary action should be taken in relation to the complaint the report must state—

- (a) what findings of fact the nominated judge has made;
- (b) what misconduct there has been;
- (c) what disciplinary action the nominated judge considers should be taken and why; and
- (d) why the nominated judge considers that further investigation is not necessary.

Reporting procedure and referral to a disciplinary panel

50. The nominated judge must send their report to the Judicial Conduct Investigations Office.

51. The Judicial Conduct Investigations Office must send the report to the office holder concerned.

52. When sending the report to the office holder concerned and where the report recommends removal or suspension from office, the Judicial Conduct Investigations Office must ask the office holder concerned if they want a disciplinary panel to consider the complaint.

53. The office holder concerned may—

- (a) provide comments on the report to the Judicial Conduct Investigations Office;
- (b) make representations to the Judicial Conduct Investigations Office regarding the need for further investigation into the complaint;
- (c) where the report recommends removal or suspension from office, state whether they want a disciplinary panel to consider the complaint.

54. The office holder concerned must respond under rule 53 within 15 business days of the day that the report is sent to them.

55. If the office holder concerned confirms in accordance with rule 53(c) that they want a disciplinary panel to consider the complaint, the Judicial Conduct Investigations Office must—

- (a) refer the complaint to a disciplinary panel to consider in accordance with Part 6 of these Rules; and
- (b) send the report and any comments received under rule 53 to the disciplinary panel.

56. In all other cases where a report has been prepared under rule 46, the Judicial Conduct Investigations Office must send the report and comments to the Lord Chancellor and the Lord Chief Justice.

PART 5

Judicial Investigation

Scope

57. This Part applies where a referral is made to an investigating judge by—

- (a) a nominated judge under rule 44;
- (b) the Lord Chief Justice and Lord Chancellor under regulation 13 of the Regulations; or
- (c) the Ombudsman under section 111(7)(b) of the Act.

Nomination of investigating judge

58. The investigating judge must be nominated in accordance with regulation 10 of the Regulations.

Investigation by an investigating judge

59. The investigating judge must consider a complaint and—

- (a) determine the facts of a case;
- (b) determine whether the facts amount to misconduct; and
- (c) advise as to whether disciplinary action should be taken and if so what.

60. Any question as to whether a fact is established must be decided on the balance of probabilities.

61. The investigating judge must—

- (a) decide how to conduct the investigation;
- (b) notify the office holder concerned and any complainant of the proposals for the conduct of the investigation, and whether oral evidence will be taken;
- (c) invite the office holder concerned to give evidence and make representations about the procedure adopted; and
- (d) record any representations on the proposals that are received.

62. The investigating judge may invite the complainant or any person who may be able to assist the investigation to give evidence about the case.

63. Any evidence or representations from the complainant, the office holder concerned or any other person must be provided to the investigating judge within ten business days of an invitation under rules 61(c) or 62.

64. The investigating judge may take oral evidence if it is considered necessary to do so.

65. The investigating judge must disclose any evidence obtained under rule 62 to the office holder concerned and must invite them to make representations on the evidence.

66. The office holder concerned must make any representations under rule 65 within ten business days of the invitation under that rule.

Report of investigating judge

67. The investigating judge may decide the form of their report.

68. The investigating judge must disclose a draft of their report to the office holder concerned and invite the office holder concerned to comment on it. The comments may include proposals for changes to the report.

69. The investigating judge may show a draft of their report to any other person, and invite them to comment on it. The comments may include proposals for changes to the report.

70. Disclosure of the draft report under rule 69—

- (a) may be of the whole or part,
- (b) may be in the form of a summary, and

- (c) must omit any information the disclosure of which is prohibited under section 139 of the Act (confidentiality)

71. Any comments must be provided to the investigating judge within ten business days of disclosure of the draft report under rules 68 and 69.

72. After considering any comments received in accordance with rules 68 and 69 the investigating judge must—

- (a) complete their report and submit it to the Lord Chancellor and the Lord Chief Justice with details of any requested changes which the investigating judge has not made.
- (b) send a copy of their report to the office holder concerned; and
- (c) send a copy of their report or the relevant part of it to any other person who has been invited to comment upon it, but omitting any material the disclosure of which is prohibited under section 139 of the Act (confidentiality).

PART 6

Disciplinary panel

Scope

73. This Part applies where—

- (a) the office holder concerned has confirmed under rule 53(c) that they want a disciplinary panel to consider the complaint;
- (b) the Lord Chancellor and the Lord Chief Justice have referred a complaint to a disciplinary panel under regulations 13 or 14 of the Regulations;
- (c) the Ombudsman refers a case to a disciplinary panel to investigate under section 111(7)(b) of the Act; or
- (d) a referral is made under rule 92(b)(iv).

Disciplinary panel

74. The disciplinary panel must be convened in accordance with regulation 11 of the Regulations.

Functions of a disciplinary panel

75. A disciplinary panel may consider and review—

- (a) any findings of fact;
- (b) any recommendation as to the conduct of the office holder concerned; and
- (c) any proposed disciplinary action.

76. Where a disciplinary panel reviews any findings of fact under rule 75(a), any question as to whether that fact is established must be decided on the balance of probabilities.

77. Where a nominated judge has recommended that the office holder concerned should be removed or suspended from their office, the disciplinary panel must advise the Lord Chancellor and the Lord Chief Justice whether removal or suspension is justified.

78. Where a disciplinary panel is considering whether the office holder concerned should be suspended from office, the disciplinary panel must consider that question in relation to each office held by the office holder concerned.

Procedure of disciplinary panel

79. The disciplinary panel may—

- (a) make such inquiries as it considers are appropriate to fulfil its functions;
- (b) request any documents which appear to be relevant.

80. A disciplinary panel must take oral evidence from the office holder concerned unless it considers it unnecessary to do so.

81. A disciplinary panel may take evidence, including oral evidence, from any other person.

Report and recommendation

82. The disciplinary panel must prepare a report that sets out—

- (a) the facts of the case;
- (b) whether in its opinion there has been any misconduct; and
- (c) whether disciplinary action should be taken and if so what.

Report procedure

83. The disciplinary panel must send its draft report to the office holder concerned.

84. The disciplinary panel may disclose its draft report to the complainant or any other person who may be affected by its contents.

85. Disclosure of the report under rule 84—

- (a) may be of the whole or part;
- (b) may be in the form of a summary;
- (c) must omit any information the disclosure of which is prohibited under section 139 of the Act (confidentiality).

86. The disciplinary panel must invite each person to whom it discloses its report to comment on it.

87. Any comments on the report must be made within ten business days of the day on which the report was sent by the disciplinary panel.

88. In finalising its report the disciplinary panel—

- (a) must have regard to any comments received under rule 86; and
- (b) must include those comments with its report.

89. The disciplinary panel must send its report to the Lord Chancellor and the Lord Chief Justice.

PART 7

Miscellaneous

Re-opening a case that has been dismissed

90. Exceptionally, a nominated judge may re-open a complaint that has been dismissed where they receive new information concerning a complaint.

91. For these purposes, new information means information which—

- (a) relates to judicial misconduct;
- (b) is cogent and credible;
- (c) has not already been considered under these Rules; and

(d) is sufficiently serious to justify re-opening a complaint.

92. If a nominated judge decides to re-open a complaint, they may—

- (a) consider the complaint in accordance with Part 4; or
- (b) refer the complaint to—
 - (i) another nominated judge to consider under Part 4;
 - (ii) the Judicial Conduct Investigations Office to consider in accordance with Part 2;
 - (iii) an investigating judge to consider in accordance with Part 5; or
 - (iv) a disciplinary panel to consider in accordance with Part 6.

Procedure to be followed when re-opening a case

93. A nominated judge may re-open a case of their own volition.

94. The Judicial Conduct Investigations Office may refer new information to a nominated judge for the purposes of rule 93.

95. A complainant may provide new information to the Judicial Conduct Investigations Office.

96. The Judicial Conduct Investigations Office may only refer new information received from a complainant to a nominated judge if the Judicial Conduct Investigations Office is satisfied that it is new information within the meaning of rule 91.

Consideration of matters in absence of a complaint

97. Where a nominated judge receives information from any source which suggests to them that taking disciplinary action might be justified they may refer the case to the Judicial Conduct Investigations Office.

98. The Judicial Conduct Investigations Office must investigate the case in accordance with Part 2 of these Rules as though it were a complaint of misconduct, with the exception that any obligation to be discharged in relation to a complainant does not apply.

Withdrawal of a complaint

99. A complainant may withdraw their complaint at any time.

100. Where a complaint is withdrawn, it may still be investigated if rule 101 applies.

101. A withdrawn complaint may continue to be investigated where it is being considered by—

- (a) the Judicial Conduct Investigations Office under Part 2 of these Rules if the Judicial Conduct Investigations Office considers it appropriate to continue to investigate the complaint;
- (b) a nominated judge under Part 4 of these Rules if the nominated judge considers it appropriate to continue to investigate the complaint;
- (c) an investigating judge under Part 5 of these Rules if the investigating judge considers it appropriate to continue to investigate the complaint; or
- (d) a disciplinary panel under Part 6 of these Rules if the disciplinary panel considers it appropriate to continue to investigate the complaint.

102. Where rule 101 applies, the case is to continue to be considered under these Rules as if the complaint had not been withdrawn and the complainant must be informed of this decision by the Judicial Conduct investigations Office, the nominated judge, the investigating judge or the disciplinary panel as the case may be.

Deferral of consideration of a case

103. The Judicial Conduct Investigations Office may defer consideration of a case where there is good reason to do so.

104. Where the Judicial Conduct Investigations Office defers a complaint under rule 101, it must inform the complainant and, if they are aware of the complaint, the office holder concerned.

Transitional provision

105. These Rules apply to any complaint made before these Rules come into force which has not been withdrawn, dismissed or determined.

Revocation

106. The Judicial Conduct (Judicial and other office holders) Rules 2013 are revoked.

Date Lord Chief Justice

I agree

Date Lord Chancellor

I agree

Date Lord President of the Court of Session

I agree

Date Lord Chief Justice of Northern Ireland