



## Judicial Complaints Procedure:

### UK Supreme Court

1. Any complaint against a Justice of the Supreme Court when acting in that capacity, by whomever received, shall in the first instance be passed to the Chief Executive. Complaints must be made within three months of the date for matters about which the complaint is being made. If the complaint relates only to the effect of a judicial decision or discloses no ground of complaint calling for consideration the Chief Executive if she thinks it appropriate, shall take no action save to inform the complainant (if identifiable) that no action will be taken.
2. In any other case the Chief Executive shall refer the complaint to the President, unless the complaint relates to the President, in which case it shall be referred to the Deputy President, unless the complaint relates also to the Deputy President, in which case it shall be referred to the most senior member of the Court to whom it does not relate.
3. The President or Deputy President or Senior member, as the case may be, (hereafter “the appropriate member”), shall then consult the next senior member of the court to whom the complaint does not relate and, having done so, may:
  - (i) take no action; or
  - (ii) bring the complaint to the notice of the member who is the subject of the complaint and resolve the matter informally; or
  - (iii) consider taking formal action as defined below.

In the event of either 3(i) or 3(ii) being pursued the reasons for that action being taken should be recorded and filed.

4. Consideration of taking formal action will be appropriate, whether or not any complaint is made, where a member of the Court is finally convicted of any offence which might reasonably be thought to throw serious doubt on that member’s character, integrity or continuing fitness to hold office or where a member’s conduct otherwise appears to be such as to throw serious doubt on that member’s continuing fitness to hold office.

5. Where formal action is under consideration the appropriate member shall (1) inform the member whose conduct is in question of that fact and of the matters alleged against him or her, (2) inform the Lord Chancellor of the facts so far as they are known, and (3) consult the Lord Chancellor on the action to be taken.
6. Having taken steps listed in paragraph 5 above, the appropriate member may, if it is considered appropriate to do so, initiate formal action.
7. Formal action shall mean:
  - (i) that a tribunal is established comprising the Lord Chief Justice of England and Wales, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland (or, if any of them is disqualified, the next most senior Judge in that jurisdiction) and two independent persons of high standing nominated by the Lord Chancellor, to be chaired by whichever of the three first-named office-holders has longest held his or her office;
  - (ii) that the member whose conduct is in question shall be informed of the full details of what is said against him or her;
  - (iii) that the tribunal shall investigate the accusation or complaint adopting such procedure as shall be fair and as expeditious as is consistent with fairness;
  - (iv) that the tribunal shall make a report summarizing the facts as found by the tribunal so far as relevant and recommending the action, if any, to be taken;
  - (v) that the tribunal shall deliver this report to the appropriate member and provide a copy to the member whose conduct is in question;
  - (vi) that the appropriate member shall deliver the report to the Lord Chancellor;
  - (vii) that the Lord Chancellor shall decide whether to initiate action to remove from office the member whose conduct is in question and, if he judges it appropriate to do so, shall take such action pursuant to section 33 of the Constitutional Reform Act 2005.
8. Whether or not the Lord Chancellor decides to take action to remove the member from office, he or she may publish the report made by the tribunal.
9. The member against whom a complaint or accusation is made may at any time vacate his or her office voluntarily, without prejudice to any other action which may be taken against him or her, and formal action may be discontinued at any stage.