

**CODE OF CONDUCT
AND DISCIPLINARY
REGULATIONS FOR
JUDICIAL OFFICERS**

PREFACE

This Code of Conduct is intended to guide Judicial Officers of the Turks and Caicos Islands.

While it recognises that Judicial Officers have some responsibility in determining whether some activity or course of conduct is appropriate for the holder of judicial office, it subjects the conduct of judges and magistrates to the discipline of the Chief Justice or the President of the Court of Appeal as applicable.

The Code of Conduct defines the parameters of acceptable conduct that will advance the rule of law and promote public trust and confidence in the Judiciary.

The Code of Conduct has been provided by the Judicial Service Commission acting in consultation with the Chief Justice, in accordance with section 87(3)(a) of the Constitution Order 2011.

As provided in section 87(3)(b), we also provide Disciplinary Rules which set out a structured mechanism for dealing with complaints against judicial officers and conduct that falls short of the provisions of the Code.

We acknowledge the invaluable input of the two Committees set up by the Chief Justice to provide drafts for our purposes:

1. the Code of Conduct Committee composed of The Honourable Mr. Justice Aziz, The Honourable Ms. Tanya Lobban Jackson, and Her Honour Ms. Kamar Anderson (Grand Turk 2020); and
2. the Disciplinary Rules Committee chaired by The Honourable Mr. Justice Dennis Morrison with The Honourable Ms. Justice Tanya Lobban Jackson and Her Honour Ms. Keri-Ann Kemble as members.

SGD: 

The Hon. Ms. Justice Hilary Phillips
Chairperson of the Judicial Service Commission
Turks and Caicos Islands

PREAMBLE

The Judicial Officers of the Turks and Caicos Islands

Acknowledge that an independent, strong, respected, and respectable Judiciary is indispensable for the impartial administration of Justice in a democratic State.

Are Committed to serving the people of Turks and Caicos Islands through the delivery of accessible, fair, efficient, and effective justice.

Are Dedicated to being a model of judicial excellence providing quality service.

Are Conscious that the ultimate standard of judicial conduct must be conduct which reaffirms fitness for the high responsibilities of Judicial Office.

Are Determined to uphold the integrity of the Court, and to promote public acceptance and support for it

Are Mindful of the importance of ensuring access to justice, respect, and substantive equality.

Recognise that the independence of the judiciary is paramount in upholding the rule of law and good governance.

Affirm that integrity and accountability are essential in fostering public trust and confidence in the judges, court, and entire judicial system.

Resolve to eliminate systemic and individual bias, discrimination, and inequality

Have Regard to the importance of diversity and inclusivity to the legitimacy of the Court and the significance of bringing a perspective to court proceedings that respects human dignity and value.

Acknowledge that modern and updated information and communication technologies and network must be managed and utilized within an ethical framework that is consistent with the nature of judicial office.

Further Acknowledge that judicial officers need to individually and collectively respect and honour judicial office.

Affirm the standards and best practices relating to judicial conduct established by international law instruments and the United Nations Commentaries on the Bangalore Principles of Judicial Conduct.

Are Aware of the need for ongoing judicial education including behavioural change education.

Resolve both in their individual and collective capacities to uphold the principles of:

- (a) Independence
- (b) Propriety
- (c) Integrity
- (d) Impartiality
- (e) Equality
- (f) Competence and Diligence
- (g) Accountability

PART I

CODE OF CONDUCT

DEFINITIONS

In this Code the following words and expressions are used in the following senses, unless a contrary intention appears from the context—

Court means The Court of Appeal, The Supreme Court, The Magistrates Court of the Turks and Caicos Islands.

Judge includes the holder of the Office of Chief Justice, President of the Court of Appeal, Justice of Appeal, Judge, Retired Judges (if acting in any public function) Chief Magistrate, and Magistrates or the Registrar of the Supreme Court in the performance of judicial duties.

Gift means any gratuity, favour, discount, entertainment, hospitality, loan, forbearance, or other similar item having monetary value but does not include-

- i social hospitality based on personal relationships.
- ii modest items, such as food and refreshments, offered as a matter of social hospitality.
- iii items with little intrinsic value, such as plaques, certificates, and trophies, which are presented solely to honour the judge.
- iv loans from banks and other financial institutions on terms that are available based on factors other than judicial status.
- v opportunities and benefits, including favourable rates and commercial discounts, that are available based on factors other than judicial status.
- vi rewards and prizes given to competitors in contests or events, including random drawings, that are open to the public and that are available based on factors other than judicial status.
- vii scholarships or fellowships awarded to judges by bodies generally accepted as motivated by public service or granted on the same terms and based on the same criteria as are applied to other recipients.

- viii anything for which market value is paid by the judge; and
- ix any compensation or reimbursement subject to principle 2.23 of this Code.

Family in the context of this Code shall be taken to mean a judge's spouse, son, daughter, son-in-law or daughter-in-law, partner, or any other close relative or person who is a companion or an employee of the judge and who lives in the judge's household.

Social media content includes comments, quotes, messages, photographs, infographics, blogs, vlogs, live streams, social campaigns, events, tweets, forums, podcasts, news releases, website content, video and any other type of information posted or shared on a social network.

Social network includes a website, application or programme that enables the development, deployment, and management of social media. It includes but is not limited to applications such as Facebook, Twitter, YouTube, WhatsApp, Messenger, Instagram, and LinkedIn.

Substantive equality refers to the right of every individual to an equal opportunity to make the most of their lives, talents, and ambitions, and not to be unfairly disadvantaged or discriminated against in relation thereto. It recognizes that rights, entitlements, opportunities, and access are not equally enjoyed throughout society and is aimed towards equitably redressing these inequalities to affirm the equal and inherent dignity and value of all persons.

1. INDEPENDENCE

Principle:

An independent and honourable judiciary is indispensable to justice in our society and the rule of law. Judicial officers should maintain, enforce, and exemplify high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved. The provision of this Code should be construed and applied to further promote, protect, and defend that independence.

Code:

1.1 Judges shall exercise the judicial function independently based on their assessment of the facts and in accordance with a conscientious understanding of the law. Free of any extraneous influences, inducements, pressures, threats, or interference, direct or indirect, from any quarter or for any reason.

1.2 Judges shall reject any attempt improperly to influence their decision on any matter before them.

1.3 Judges shall ensure that their conduct, official or private, does not undermine their institutional or individual independence.

1.4 Judges although solely responsible for their decision that they take in the performance of their duties, may consult with colleagues when points of difficulty arise on matters of conduct or observance of the principles and provisions of this Code.

1.5 Judges must be mindful of the profound effect which their decisions are likely to have not only on the parties before the court, but also on the wider public whose concerns may forcibly be expressed in the media or otherwise. Judges must, however, guard against being unduly influenced by such publicity, whether favourable or unfavourable.

2. PROPRIETY

Principle:

Propriety, and the appearance or propriety, are essential to the performance of all activities of a judge.

Code:

2.1 Judges shall avoid impropriety, and the appearance of impropriety in all their activities.

2.2 Judges are entitled to freedom of expression, belief, association, and assembly, but in exercising of such rights, they shall always conduct themselves in

such a manner as to preserve the dignity of the judicial office and the impartiality, independence, and the integrity of the judiciary.

2.3 Judges, as subjects of constant public scrutiny, freely accept personal and professional restriction even those that might generally be viewed as burdensome.

2.4 Judges in their personal relations with the individual members of the legal profession who practice regularly in in the Court shall avoid situations which might reasonably give rise to the suspicion or appearance of favouritism, partiality, or bias.

2.5 Save in exceptional circumstances or out of necessity, judges shall not participate in the determination of a case in which any family member represents a litigant or is in way associated with the case.

2.6 In retirement, former Judges shall not publicly express themselves in ways that might suggest that they have confidential or any special information about the Court or the deliberations of its judges or the likely judgment that might be given by the Court in a pending matter.

2.7 Judges shall avoid the use of their residence by members of the legal profession to receive clients or other members of the legal profession in circumstance that might reasonably give rise to the suspicion or appearance of bias or impropriety.

2.8 Judges shall refrain from conduct that, in the mind of a reasonable, fair minded person and informed person, might give rise to the appearance that they are engaged in party or partisan political activity.

2.9 Judges shall refrain from:

2.9.1 membership of any political party

2.9.2 raising funds for political parties

2.9.3 attendance at political party events

2.9.4 contributing to political parties or campaigns, and

2.9.5 engaging in party or partisan political activity

2.10 Judges shall not use or lend the prestige of the judicial office to advance their private interests, a member of their family or of anyone else, nor shall they knowingly permit others to convey the impression that anyone is in a special position improperly to influence them in the performance of judicial duties.

2.11 Judges shall not allow family, social or other relationships to improperly influence their judicial conduct and judgment as a judge and shall take all reasonable steps to avoid the appearance of the same.

2.12 Judges shall not serve as the executor, administrator, trustee, guardian, or other fiduciary, except for the estate, trust or person connected with a member of their family and then only if such service will not interfere with the proper performance of judicial duties or reflect adversely on their impartiality.

2.13 Judges shall not testify voluntarily as a character witness, except that a judge may testify as a witness in a criminal proceeding if the judge or a member of the judge's family is a victim of the offence or if the defendant is a member of the judge family or in like exceptional circumstances.

2.14 Subject to the proper performance of judicial duties, judges may engage in activities such as:

2.14.1 Writing, researching, lecturing, teaching, educating, and participating in activities concerning the law, the legal system, the administration of justice and related matters.

2.14.2 Appearing at public hearings before an official body concerned with matters relating to the law, the legal system and the administration of justice or related matters; or

2.14.3 Serving as a member of an official body devoted to the improvement of the law, legal system, the administration of justice or related matters.

2.15 Judges may speak publicly or write or research on non-legal subjects and engage in historical, educational, cultural, sporting or like social recreational activities, if such activities do not detract from the dignity of the judicial office or otherwise interfere with the performance of judicial duties on accordance with this Code.

2.16 Judges may participate in civic and charitable activities that do not reflect adversely on their impartiality or interfere with the performance of judicial duties. Great care should be taken in allowing their name, office, or the Court to be associated with an appeal for funds, even for a charitable organization, lest it be seen as inappropriate use of judicial prestige in support of the organization or creating a sense of obligation in donors.

2.17 Judges may hold or manage personal or family investments but may not carry out financial or business dealings which may interfere with the proper performance of judicial duties or reflect adversely on their impartiality.

2.18 Judges shall not engage in the practice of law while holding judicial office.

2.19 Judges may form or join in associations or participate in other organizations promoting the interests of judges such as professional education, training, and the protection of judicial office.

2.20 Judges may accept appointment to or serve on a commission, organization or committee that is concerned with the improvement of the law, the legal system, the administration of justice or related matters. Judges may represent a state or international entity on ceremonial occasions or in connection with historical, educational, cultural, sporting, or other activities.

2.21 Confidential information acquired by Judges in their judicial capacity shall not be used or disclosed by them in financial dealings or for any other purpose not related to their judicial activities.

2.22 Judges may receive compensation and reimbursement of expenses for the extra-judicial activities permitted by this Code, if such payments do not give the appearance of influencing them in the performance of their judicial duties or may otherwise be perceived as or give the appearance of impropriety, subject to restrictions such as:

2.22.1 compensation and reimbursement shall not exceed a reasonable amount, nor shall it exceed what a person who is not a judge would receive for the same activity.

2.22.2 any reimbursement shall be limited to the actual cost of travel, accommodation, and incidentals reasonably and properly incurred by them and where appropriate to the occasion, by the spouse, partner, or companion.

2.23 Judges shall make financial disclosures as required and pay any and all such taxes as required by law.

2.24 Judges shall be circumspect in the use of social network sites, maintaining the integrity, moral authority, decorum, and dignity of their judicial office. Judges:

2.24.1 may use their real names or pseudonyms on social network sites but shall never use pseudonyms to conceal unethical or immoral behaviour.

2.24.2 shall avoid expressing views, opinions or sharing personal information on social networks that in the opinions of the reasonable, informed, and fair-minded person are likely to undermine the integrity, judicial independence, propriety, and public confidence in the judiciary.

2.24.3 shall remove any social media content predating their appointment to the bench which to the reasonable, informed, and fair-minded person would be perceived to be damaging to public trust, integrity, and confidence in the Court.

2.24.4 may use social networks to establish and maintain online connections with persons and keep up to date with people, groups or organizations or topics of interest but shall abstain from any online connections which could damage the reputation, integrity, propriety, and confidence in the Court.

2.24.5 shall not use any social media accounts for the purpose of advancing their own or third party's financial commercial or political interest.

2.24.6 shall exercise awareness of the privacy and security risks associated with or connected to revealing their location through social media content.

2.24.7 shall not respond directly to online criticism and negative comments about themselves individually or the work of the Court in general.

2.24.8 shall not post any social media content which is defamatory, racist, sexist, or in any other way stereotypical, discriminatory, or degrading.

2.25 Judges must always display and demonstrate respect, courtesy and understanding when interacting with Court staff and the public, to foster a harmonious relationship and productive environment, which produce trust and confidence in the judiciary.

2.26 A Judge and members of his family shall neither ask for, nor accept any gift, bequest, favour, or loan on account of anything done or omitted to be done by him in the discharge of his duties.

2.27 A Judge is however permitted to accept-

2.27.1 personal gifts or benefits from relatives or personal friends to such extent and on such occasions as are recognised by custom.

2.27.2 books supplied by publishers on a complimentary basis.

2.27.3. a loan from lending institution in its regular course of business on the same terms generally available to people who are not Judicial Officers.

2.27.4. a scholarship or fellowship awarded on the same terms applied to other applicants.

3. COMPETENCE AND DILIGENCE

Principle:

The judicial duties of a judge take precedence over all other activities and diligence and competence are essential for functioning in judicial office.

Code:

3.1 Judges shall devote their professional activities to judicial duties. Such duties are broadly defined and include not only the performance of their judicial duties in Court and the making of decisions, but such other tasks that are related to the judicial function and operations of the Court.

3.2 Judges shall take reasonable steps to maintain and enhance their knowledge, skills, and personal qualities necessary for the proper performance of judicial duties.

3.3 Judges shall keep themselves updated and informed about all relevant developments in the law both locally, regionally, and internationally which may assist in the performance of their duties.

3.4 Judges have a responsibility to perform all judicial duties efficiently and fairly and this would extend to the delivery of decisions with reasonable promptness.

3.5 Judges shall not engage in conduct incompatible with the diligent discharge of their judicial duties and shall always maintain decorum and order in all proceedings that they are involved with. Judges shall be patient, dignified and courteous in respect of lawyers, litigants, witnesses, and others with whom they are called upon to deal with in official capacity. Judges shall require similar conduct of legal representatives, Court staff and others subject to their direction or control.

4. INTEGRITY

Principle:

An independent and honourable judiciary is indispensable to justice in our society. Integrity is vital to the proper discharge of the judicial office. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and should personally observe those standards and re-evaluate, so that the integrity and independence of the judiciary may be preserved.

Code:

4.1 Judges should ensure that their conduct is above reproach in the view of reasonable, informed, and fair-minded persons.

4.2 The behaviour and conduct of judges must re-affirm trust and confidence in the integrity of the judiciary. Of importance is that justice must not only be done but it must be seen to be done.

4.3 Judges must adhere to the values and statements of principle in the code and shall encourage and support their observance by all judges and Court staff.

4.4 Judges must ensure that individually and collectively their behaviour aligns with core values, principles, and standards of the Court. Integrity therefore includes not only taking responsibility for one's personal integrity but also that of the Court.

5. IMPARTIALITY

Principle:

Impartiality is necessary and important in discharging judicial duties. This applies to the decision as well as the decision-making process.

Code:

5.1. Judges must perform their judicial duties without prejudice or bias.

5.2. Judges shall continue to educate themselves about implicit bias and take steps to address any such bias.

5.3. Judges shall ensure that their conduct in and out of the Court, maintains and enhances the confidence of the public, the legal profession, and litigants in the impartiality of judges and of the judiciary.

5.4. Judges shall so far as reasonable, conduct themselves as to minimize the occasions on which it will be necessary for them to be disqualified from hearing or coming to a determination in any cause or matter.

5.5. Judges shall not knowingly while any cause or matter is proceeding or could be proceeding before them, make any comment or view known that might be interpreted as having any likely effect on the outcome of such cause or matter or have any impact on the fairness of the process. Judges must be cognizant of the fact that they should not comment on any matter in public that may affect a fair trial process.

5.6. Judges shall disqualify themselves from conducting any matter or proceedings in which they are unable to decide the matter fairly and impartially or in which any fair minded and reasonable person might conclude that the judge was unable to decide the matter fairly and impartially.

5.7. Judges shall recuse themselves from any cause or matter in which there might be a reasonable perception of a lack of impartiality including where:

5.7.1. the judge has actual or apparent bias or prejudice concerning a party, situation or personal knowledge of disputed evidentiary facts concerning the proceedings.

5.7.2. the judge previously served as a lawyer or was a material witness in the matter in dispute.

5.7.3. the judge, or a member of the judge's family, has an economic or other substantial interest in the outcome of the matter disputed.

5.8. Judges shall inform themselves about their personal and financial interest and make reasonable efforts to be informed about the financial interest of members of their family.

5.9. Judges who would otherwise be disqualified on the foregoing ground may, instead of recusing themselves from the cause or matter, disclose on the record the basis of such disqualification. If based on such disclosure the parties, independently of the judge's participation, agree on the record that the judge may participate, the judge may do so. It must also be borne in mind that litigants do not have the right to choose a judge.

6. EQUALITY

Principle:

Everyone is equal before the law. The Rule of Law dictates that there shall be no forms of discrimination between persons and on any ground such as sex, age, religion, or any form of diversity.

Code:

6.1 A Judicial Officer should be aware of, and understand, diversity in society and differences arising from matters such as gender, race, ethnicity, colour, national origin, religion, caste, disability, birth or marital status, sexual orientation, socioeconomic or educational or occupational background, and the like.

6.2 A Judicial Officer must not, by words or conduct, show any bias against or preference towards any person or group on any such ground.

6.3 In court, Judicial Officers must strive to ensure that no one in the court is exposed to any display of bias or prejudice on any such ground and that all are treated with equal respect by the Justices, their staff and anyone appearing in or attending the court.

6.4 The court must strive to make reasonable adjustments for people with disabilities and for those who wish to manifest their religion, so far as it is practicable to do so.

6.5 Judges shall not knowingly permit Court staff or others subject to their influence, direction, or control, to differentiate between persons concerned in a matter which is before them, on any irrelevant consideration.

6.6 Judges shall require lawyers in proceedings before the Court to refrain from manifesting by words or conduct, bias or prejudice based on irrelevant considerations. This requirement does not preclude legitimate advocacy where an issue in the proceedings involves irrelevant considerations.

PART II

DISCIPLINARY REGULATIONS

1. Introduction

1.1 The principles of independence, impartiality and integrity are the hallmarks of any fair and credible justice system.

1.2 However, judicial independence does not exclude accountability. Therefore, public trust and confidence in the administration of justice are usually bolstered by a mechanism for addressing grievances against Judicial Officers.

1.3 These Regulations establish the procedure for dealing with complaints relating to the judiciary, and/or breaches of the Judicial Code of Conduct established pursuant to section 87 of the Constitution.

2. Definitions

2.1 In these Regulations, unless the context otherwise permits or requires, the following meanings shall be attributed to the words used-

Constitution means the Constitution of the Turks and Caicos Islands

Chief Justice means the Chief Justice for the time being of the Turks and Caicos Islands

Commission means the Judicial Service Commission established under the provisions of section 86 of the Constitution

President means the President for the time being of the Court of Appeal of the Turks and Caicos Islands.

Judicial Officer means a Judge of the Court of Appeal, Judge of the Supreme Court, or a Magistrate, including the Chief Magistrate of the Magistrate's Court.

Complainant means a person who makes a complaint against a Judicial Officer pursuant to these Regulations.

Complaint means a complaint detailing an allegation against a Judicial Officer of inability to perform the functions of the judicial office, whether arising from illness or any other cause, or an allegation of misbehaviour.

Disciplinary Tribunal means the tribunal established pursuant to Regulation 5 of these Regulations.

3. Making A Complaint

3.1 A person shall make a complaint within three months of the events giving rise to the complaint.

3.2 Any complaint against (i) a Magistrate or Chief Magistrate of the Magistrate's Court when acting in that capacity, or (ii) a Judge of the Supreme Court when acting in that capacity, by whomever received, shall in the first instance be passed to the Chief Justice.

3.3 In either case, if the complaint relates only to the effect of a judicial decision, or discloses no ground of complaint calling for consideration, the Chief Justice, if he or she thinks it appropriate, shall take no action save to inform the complainant (if identifiable) that no action will be taken.

3.4 Any complaint against a Judge of the Court of Appeal when acting in that capacity, by whomever received, shall in the first instance be passed to the President.

3.5 If the complaint relates only to the effect of a judicial decision, or discloses no ground of complaint calling for consideration, the President, if he or she thinks it appropriate, shall take no action save to inform the complainant (if identifiable) that no action will be taken.

3.6 In any other case, the Chief Justice, or the President (as the case may be), shall refer the complaint to the Disciplinary Tribunal.

4. Assistance to Complainants

4.1 Reasonable assistance shall be provided to complainants –

4.1.1. with a disability,

4.1.2. whose first language is not English,

4.1.3. with poor literacy skills; or

4.1.4 with any other difficulty with communication, to ensure that they can complete the complaint and otherwise participate fully in the complaints process.

5. The Disciplinary Tribunal

5.1 The Commission shall appoint a Disciplinary Tribunal to deal with disciplinary matters.

5.2 The Disciplinary Tribunal shall hold office for a period of three years, but its members may at the discretion of the Commission be reappointed for one further term of three years.

5.3 The Disciplinary Tribunal shall comprise of three persons-

5.3.1. A retired judge of a Commonwealth jurisdiction, who shall be Chairman.

5.3.2. A sitting judge of a Commonwealth jurisdiction; and

5.3.3. A non-legally qualified person who is independent of the executive and the legislature of the Turks and Caicos Islands.

5.4. The Commission may from time to time, as and when necessary, in consultation with the Commission, appoint an Attorney-at-law to act as counsel to the Disciplinary Tribunal.

5.5. Counsel to the Disciplinary Tribunal shall:

5.5.1 advise the Disciplinary Tribunal generally; and

5.5.2 gather and present evidence before the Disciplinary Tribunal.

6. Referral of Complaint to Disciplinary Tribunal

6.1 Upon receipt of a complaint from either the Chief Justice or the President, the Disciplinary Tribunal, shall meet and having done so, may:

6.1.1. recommend the summary dismissal of the complaint pursuant to rule 7 below; or

6.1.2. bring the complaint to the notice of the Judicial Officer who is the subject of the complaint and attempt to resolve the matter informally; or

6.1.3 consider taking formal action as defined below.

6.2 In the event of 6.1.1. or 6.1.2. being pursued, the reasons for the action being taken should be recorded and filed.

7. Summary Dismissal of a Complaint

7.1 The Disciplinary Tribunal may recommend dismissal of the complaint without further investigation in the following circumstances-

7.1.1. if it is, on its face, unmeritorious.

7.1.2. if in substance the complaint concerns a person's dissatisfaction with a judicial decision made by the Judicial Officer concerned.

7.1.3. if the person who is the subject of the complaint is no longer a Judicial Officer.

7.1.4. if the complaint has already been addressed by the Disciplinary Tribunal.

7.1.5. if the complaint is about the private life, personal opinions and/or beliefs of a Judicial Officer and does not amount to a complaint of inability to perform the functions of the judicial office, whether arising from illness or any other cause, or misbehaviour.

7.1.6. if the complaint is about the professional conduct in a non-judicial capacity of a Judicial Officer, which does not amount to inability to perform the functions of the judicial office, whether arising from illness or any other cause, or misbehaviour;
or

7.1.7. the Disciplinary Tribunal otherwise finds that there is no sufficient cause to warrant further investigation.

7.2 Where the Disciplinary Tribunal recommends dismissal of the complaint in accordance with Rule 7.1, it shall forthwith notify the details of the recommendation in writing to-

7.2.1. the Chief Justice or the President, as the case may be.

7.2.2. the Judicial Officer concerned; and

7.2.3. the Commission.

7.3. In that event, the Chief Justice, or the President (as the case may be), shall notify the Complainant (if identifiable) of the dismissal of the complaint.

8. Consideration of Formal Action by The Disciplinary Tribunal

8.1 Consideration of taking formal action will be appropriate, whether or not any complaint is made, where a Judicial Officer is convicted of any offence which might reasonably be thought to throw serious doubt on that Judicial Officer's character, integrity, or continuing fitness to hold office, or where a Judicial Officer's conduct

otherwise appears to be such as to throw serious doubt on his or her continuing fitness to hold office.

8.2 An appeal against a conviction shall not operate as a stay of proceedings before the Disciplinary Tribunal, but the Disciplinary Tribunal may in its discretion stay the proceedings pending the outcome of the appeal.

8.3 Where formal action is under consideration the Disciplinary Tribunal shall-

8.3.1. inform the Judicial Officer whose conduct is in question of that fact and of the matters alleged against him or her; and

8.3.2. inform the Chief Justice or President (as the case may be), of the facts so far as they are known.

9. The Rights of The Judicial Officer

9.1 Upon receipt of notice of the complaint, the Judicial Officer may respond in writing to the Disciplinary Tribunal within 14 days of such receipt.

9.2 The Judicial Officer may engage an Attorney-at-law to respond on his or her behalf and to represent him or her in relation to the complaint.

9.3 The Judicial Officer against whom a complaint 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.

10. Formal Action by The Disciplinary Tribunal

10.1. Formal action shall mean:

10.1.1. that the Judicial Officer whose conduct is in question shall be informed of the full details of what is alleged against him or her.

10.1.2 that the Judicial Officer whose conduct is in question shall have the right to a fair hearing.

10.1.3. that the Disciplinary Tribunal shall investigate the accusation or complaint adopting such procedure as shall be fair and as expeditious as is consistent with fairness.

10.1.4. that the Disciplinary Tribunal shall make a report to the Chief Justice or the President (as the case may be), summarising the facts as found by the Disciplinary Tribunal, so far as relevant, and recommending the action to be taken.

10.1.5. recommendations for action may include and are not limited to:

10.1.5.1 dismissal of the complaint.

10.1.5.2 a written reprimand.

10.1.5.3 a period of counselling.

10.1.5.4. a period of training; and

10.1.5.5 suspension with pay for no more than one month.

10.1.5.6. initiation of such action as may be required pursuant to section 85 of the Constitution to remove from office the Judicial Officer whose conduct is in question.

11. Disposal of A Complaint

11.1 Upon receipt of a report from the Disciplinary Tribunal pursuant to regulation 10.1.4. above, the Chief Justice or the President (as the case may be), after hearing submissions from or on behalf of the Judicial Officer concerned, shall either:

11.1.1. implement the recommendation of the Disciplinary Tribunal in full; or

11.1.2. take such lesser action as he or she deems fit.

DATED THE 28th DAY OF November 2021

ISSUED BY THE JUDICIAL SERVICE COMMISSION OF THE TURKS AND CAICOS ISLANDS ACTING IN CONSULTATION WITH THE CHIEF JUSTICE

SGD: 

The Honourable Ms. Justice Hilary Phillips
Chairperson, Judicial Service Commission