



# Police and Fire Reform (Scotland) Act 2012

2012 asp 8

## PART 1

### POLICE REFORM

#### CHAPTER 8

##### GOVERNANCE AND ADMINISTRATION OF POLICE

#### 52 Disciplinary procedures: conduct and performance

- (1) Regulations made under section 48 must establish, or provide for the establishment of, procedures for dealing with a constable whose standard of behaviour or performance is unsatisfactory.
- (2) Such regulations may make provision—
  - (a) setting out—
    - (i) standards of behaviour which, if breached, may be treated as misconduct,
    - (ii) standards of performance which, if breached, may be treated as being unsatisfactory performance,
    - (iii) other circumstances in which a constable's behaviour may be treated as misconduct or in which a constable's performance may be treated as unsatisfactory (for example, where performance is inefficient or where there has been a failure to perform functions),
  - (b) for circumstances in which a constable may be suspended from duty pending investigation into whether the constable has been engaged in misconduct,
  - (c) subject to subsection (3), for a constable who is found to have been engaged in misconduct or whose performance is found to have been unsatisfactory to be dealt with by being—
    - (i) dismissed (with or without notice),
    - (ii) demoted in rank,

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**Changes to legislation:** Police and Fire Reform (Scotland) Act 2012, Section 52 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (iii) warned that future misconduct or unsatisfactory performance may lead to further disciplinary action,
    - (iv) admonished, or
    - (v) dealt with in any other way,
  - (d) conferring functions on the Police Investigations and Review Commissioner in relation to investigations of whether a constable has been engaged in misconduct,
  - (e) applying the procedures (with or without modifications) in relation to a constable engaged on temporary service outwith the Police Service (see section 15).
- (3) Such regulations must provide for the Authority to determine any case which relates to the standard of behaviour or performance of a senior officer.
- (4) A constable suspended by virtue of regulations made under section 48 is not entitled to carry out any functions as a constable unless the regulations otherwise specify.

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**Commencement Information**

**II** S. 52 in force at 1.10.2012 by S.S.I. 2012/253, art. 2, Sch.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Ch. 12A inserted by [2017 asp 4 s. 1\(1\)](#)
- s. 17(2)(h) inserted by [2017 asp 4 s. 2\(a\)\(ii\)](#)
- s. 17(4)(b)(iv) inserted by [2017 asp 4 s. 2\(b\)\(ii\)](#)
- s. 20A inserted by [2017 asp 4 s. 3](#)