

SCHEDULES

SCHEDULE 6

Section 55.

SCHEDULE TO BE INSERTED IN POLICE (SCOTLAND) ACT 1967: APPEALS TRIBUNALS

“SCHEDULE 3

APPEALS

Police Appeals Tribunals

- 1 (1) In the case of an appeal by a senior officer, the police appeals tribunal shall consist of three members appointed by the Secretary of State, of whom—
- (a) one shall be a person chosen from a list of persons who have been nominated by the Lord President of the Court of Session for the purposes of this Schedule;
 - (b) one shall be a member of a police authority, other than the relevant police authority; and
 - (c) one shall be a person who is (or has within the previous five years been) an inspector of constabulary.
- (2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) of this paragraph applies shall be the chairman.
- 2 (1) In the case of an appeal by a constable who is not a senior officer, the police appeals tribunal shall consist of four members appointed by the relevant police authority, of whom—
- (a) one shall be a person chosen from the list referred to in paragraph 1(1)(a) of this Schedule;
 - (b) one shall be a member of the authority;
 - (c) one shall be a person chosen from a list maintained by the Secretary of State of persons who are (or have within the last five years been) chief constables, other than a person who is (or has at any time been) chief constable of the police force; and
 - (d) one shall be a retired constable of appropriate rank.
- (2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) of this paragraph applies shall be the chairman.

Notice of appeal

- 3 An appeal shall be instituted by giving notice of appeal within the time prescribed by rules under section 30 of this Act.

Status: This is the original version (as it was originally enacted).

Respondent

- 4 On any appeal the respondent shall be the person prescribed by rules under section 30 of this Act.

Casting vote

- 5 Where there is an equality of voting among the members of a police appeals tribunal, the chairman shall have a second or casting vote.

Hearing

- 6 (1) A police appeals tribunal may determine a case without a hearing but shall not decide to do so unless both the appellant and the respondent have been afforded an opportunity to make written or, if either so requests, oral representations and any such representations have been considered.
- (2) Where a hearing is held, the appellant shall have the right to be represented by a serving constable or by an advocate or a solicitor; and the respondent to be represented by a constable of the force maintained by, or an officer of, the relevant police authority or by an advocate or a solicitor.

Effect

- 7 (1) Where an appeal is allowed, the order shall take effect by way of substitution for the decision appealed against, and as from the date of that decision or, where that decision was itself a decision on appeal, the date of the original decision appealed against.
- (2) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force, or in his rank he shall, for the purposes of reckoning service for pension and to such extent (if any) as may be determined by the order for the purposes of pay, be deemed to have served in the force or in that rank continuously from the date of the original decision to the date of his reinstatement.
- (3) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force and he was suspended for a period immediately preceding the date of the original decision or any subsequent decision, the order shall deal with the suspension.

Tribunal remuneration and expenses

- 8 Members of a police appeals tribunal shall be—
- (a) paid such remuneration; and
- (b) reimbursed for such expenses,
- as the Secretary of State may determine.

Expenses of proceedings

- 9 (1) An appellant shall pay the whole of his own expenses unless the police appeals tribunal directs that the whole or any part of those expenses are to be paid by the relevant police authority.

- (2) Subject to sub-paragraph (1) of this paragraph, all the expenses of an appeal under section 30 of this Act, including the expenses of the respondent and any remuneration or expenses paid by virtue of paragraph 8 of this Schedule, shall be paid by the relevant police authority.

Interpretation

10 In this Schedule—

- (a) “senior officer” means a constable holding a rank above that of superintendent;
- (b) “relevant police authority” means the police authority for the area for which the police force of which the appellant is a constable is maintained; and
- (c) “retired constable of appropriate rank” means—
 - (i) where the appellant was, immediately before the proceedings, of the rank of superintendent, a retired constable who at the time of his retirement was of that rank, and
 - (ii) in any other case a retired constable who at the time of his retirement was of the rank of chief inspector or below.”