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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 43**

The Police Service of Scotland  
(Special Constables) Regulations 2013

PART 4

MISCONDUCT

**Procedure on receipt of inquiry officer's report**

17.—(1) After considering the report submitted by the inquiry officer, the misconduct officer may—

- (a) take no further action; or
- (b) record a finding of misconduct and impose any of the disposals in paragraph (2).

(2) The disposals are—

- (a) dismissal from the Police Service;
- (b) requirement to resign from the Police Service, either forthwith or at such date as is specified in the decision, as an alternative to dismissal;
- (c) warning;
- (d) requirement to attend any counselling which the misconduct officer considers to be necessary; or
- (e) requirement to attend any training which the misconduct officer considers to be necessary,

and separate disposals may be made in relation to separate findings.

(3) The special constable concerned must be notified in writing of—

- (a) the finding of the misconduct officer;
- (b) any disposal which has been imposed by the misconduct officer; and
- (c) the reasons why the misconduct officer has made such a finding and imposed any such disposal,

within 7 days of such a decision being made.

(4) The misconduct officer must not make a finding of misconduct and impose a disposal specified in paragraph (2) unless the special constable concerned has—

- (a) been given the opportunity of being heard at a meeting before the misconduct officer;
- (b) been provided with at least 21 days written notice of—
  - (i) the date, place and time of such a meeting;
  - (ii) the nature of the report, complaint or allegation; and
  - (iii) the disposals which are available to the misconduct officer under paragraph (2); and

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**Changes to legislation:** There are currently no known outstanding effects for the The Police Service of Scotland (Special Constables) Regulations 2013, Section 17. (See end of Document for details)

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(c) been informed of his or her right to be accompanied by a representative whom he or she may select, who must not be an interested party, to any meeting with the misconduct officer.

(5) Where the special constable concerned—

(a) has been given written notice of a meeting with the misconduct officer in accordance with paragraph (4)(b); and

(b) does not attend that meeting with the misconduct officer,

the misconduct officer may make a finding of misconduct and impose a disposal under paragraph (2) without having heard from the special constable, if it appears to the misconduct officer just and proper to do so.

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**Commencement Information**

**II** [Reg. 17](#) in force at 1.4.2013, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Police Service of Scotland (Special Constables) Regulations 2013, Section 17.