
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 60

The Police Service of Scotland (Conduct) Regulations 2013

PART 3

Misconduct hearings

Misconduct hearing: preliminary procedure

18.—(1) The deputy chief constable must appoint a constable of at least the rank of superintendent to act as the chairing constable at the misconduct hearing.

(2) The chairing constable may appoint—

- (a) up to two other constables of at least the rank of superintendent to assist the chairing constable as assessors; and
- (b) in a case where the constable has given notice of an intention to be legally represented, an advocate or a solicitor to assist the chairing constable as a legal assessor.

(3) Where the constable considers that the facts alleged in the misconduct form in relation to any allegation of misconduct are not such as to support that allegation, the constable may, not less than 7 days before the date of the misconduct hearing, send a notice of objection to the deputy chief constable.

(4) Where such a notice is received by the deputy chief constable it must, as soon as reasonably practicable, be provided to the chairing constable.

(5) The chairing constable must consider any objection made under paragraph (3) at the beginning of the misconduct hearing and must—

- (a) determine whether to uphold that objection; and
- (b) if that objection is upheld, make a finding that there has been no misconduct on the part of the constable in relation to the allegation against which the objection was made.