
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 60

The Police Service of Scotland (Conduct) Regulations 2013

PART 1

General

Alleged offences

8.—(1) Where the deputy chief constable or, in the case of an appeal, the chief constable considers that it can reasonably be inferred from a report, allegation or complaint as to misconduct that the constable may have committed a criminal offence, the deputy chief constable or, as the case may be, the chief constable—

- (a) must refer the matter to the appropriate prosecutor; and
- (b) may suspend or postpone any proceedings under these Regulations (and may give directions to persons acting in pursuance of these Regulations accordingly) until the appropriate prosecutor intimates—
 - (i) that criminal proceedings are not to be brought in respect of any matter mentioned in the report, allegation or complaint; or
 - (ii) that any criminal proceedings which have been brought have been concluded.

(2) Where proceedings are suspended or postponed under paragraph (1)(b), the deputy chief constable or, as the case may be, the chief constable must inform the constable—

- (a) that the proceedings have been suspended or postponed; and
 - (b) that those proceedings, or any other proceedings under these Regulations, may be taken against the constable, whether or not criminal proceedings are brought against the constable and regardless of the outcome of those proceedings.
- (3) In this regulation, “appropriate prosecutor” means—
- (a) where the offence is alleged to have been committed in Scotland, the procurator fiscal; or
 - (b) where the offence is alleged to have been committed in any other part of the United Kingdom, Channel Islands or Isle of Man, the person who—
 - (i) has responsibility for deciding whether to institute criminal proceedings in that place; or
 - (ii) has instituted such proceedings in relation to the offence.