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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 62**

**The Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013**

**PART 4**

**Appeals**

**Appeals**

- 25.**—(1) This regulation applies where—
- (a) it has been determined by the panel that any conduct of the senior officer amounts to misconduct or, as the case may be, gross misconduct; or
  - (b) the senior officer has admitted that any conduct of the senior officer amounts to misconduct or, as the case may be, gross misconduct.
- (2) Where this regulation applies, the senior officer may appeal against—
- (a) in a case mentioned in paragraph (1)(a)—
    - (i) any determination made under regulation 22(1); and
    - (ii) any disciplinary action to be taken; or
  - (b) in a case mentioned in paragraph (1)(b), any disciplinary action to be taken.
- (3) An appeal under this regulation may be requested only on the grounds that—
- (a) any determination under regulation 22(1) or any disciplinary action to be taken is unreasonable;
  - (b) there is evidence that could not reasonably have been considered at the misconduct hearing which could have affected materially such a determination or the determination that particular disciplinary action is to be taken; or
  - (c) there was a breach of the procedures set out in these Regulations which could have affected materially such a determination or the determination that particular disciplinary action is to be taken.
- (4) An appeal may be requested by the senior officer sending a written appeal notice to the Authority not more than 10 working days from the date on which the senior officer received a notice under regulation 24(1).
- (5) The appeal notice must specify—
- (a) whether the senior officer appeals against;
    - (i) a determination made under regulation 22(1);
    - (ii) the disciplinary action to be taken; or
    - (iii) both;
  - (b) the ground (or grounds) of appeal; and
  - (c) whether the senior officer requests an appeal hearing.

- (6) The senior officer must—
- (a) send with the appeal notice a copy of any document or other information which it is considered supports the senior officer's appeal; and
  - (b) without prejudice to the generality of sub-paragraph (a), where the senior officer seeks to rely on the ground of appeal mentioned in paragraph (3)(b), submit with the appeal notice details of the evidence which the senior officer considers could have affected materially any determination or decision of the panel.