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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 68**

**The Police Service of Scotland (Conduct) Regulations 2014**

**PART 1**

**General**

**Interpretation**

**2.** In these Regulations—

- “appeal hearing” means a hearing held to determine an appeal under regulation 24;
- “appeal notice” means a written appeal notice sent under regulation 24(4);
- “audio recording” means a recording made on any disc, tape or other device on which sounds are recorded so as to be capable of being reproduced;
- “conduct” includes acts and omissions;
- “disciplinary action” means the action mentioned in regulation 22(3);
- “gross misconduct” means a breach of the Standards of Professional Behaviour so serious that demotion in rank or dismissal may be justified;
- “investigator” means a constable appointed under regulation 10(4)(a);
- “improvement action” means action intended to improve the conduct of the constable;
- “misconduct” means, unless the context otherwise requires, conduct which amounts to a breach of the Standards of Professional Behaviour (but does not, unless the context otherwise requires, include gross misconduct);
- “misconduct allegation” means any report, allegation or complaint from which it can reasonably be inferred that any conduct of the constable may amount to misconduct or gross misconduct;
- “misconduct form” means the form sent in accordance with regulation 15(2);
- “misconduct hearing” means a hearing to which a misconduct allegation is referred under regulation 14(3) where the deputy chief constable determines that the constable has a case to answer in respect of misconduct or gross misconduct;
- “misconduct investigation” means an investigation into whether the constable has a case to answer in relation to a misconduct allegation;
- “misconduct meeting” means a meeting to which a misconduct allegation is referred under regulation 14(2) where the deputy chief constable determines that the constable has a case to answer in respect of misconduct;
- “misconduct proceedings” means a misconduct meeting or a misconduct hearing;
- “Performance Regulations” means the Police Service of Scotland (Performance) Regulations 2014(1);

“person conducting the misconduct proceedings” means the constable appointed under regulation 16 to conduct the misconduct proceedings;

“person determining the appeal” means the constable appointed under regulation 25(2) to determine an appeal under regulation 24;

“police representative” means an individual chosen by the constable in accordance with regulation 6;

“proved” means established on a balance of probabilities;

“Standards of Professional Behaviour” means the standards set out in Schedule 1;

“the 2013 Regulations” means the Police Service of Scotland (Conduct) Regulations 2013(2);

“the Act” means the Police and Fire Reform (Scotland) Act 2012(3);

“the constable” means, unless the context otherwise requires, a constable in respect of whom a misconduct allegation has been made and who is subject, in relation to that allegation, to any proceedings under these Regulations;

“working day” means any day other than—

- (a) a Saturday or Sunday;
- (b) a day which is a bank holiday in Scotland within the meaning given by paragraph 2 of Schedule 1 to the Banking and Financial Dealings Act 1971(4); or
- (c) a day which is a public holiday in Scotland; and

“writing” includes electronic communications within the meaning given by section 15 of the Electronic Communications Act 2000(5) (and “written” is to be construed accordingly).

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(2) [S.S.I. 2013/60](#). This instrument has been amended by [S.S.I. 2013/125](#).

(3) [2012 asp 8](#).

(4) [1971 c.80](#). Paragraph 2 of Schedule 1 has been amended by section 1 of the St Andrew’s Day Bank Holiday (Scotland) Act 2007 ([asp 2](#)).

(5) [2000 c.7](#). Section 15 has been amended by the Schedule 17 to the Communications Act 2003 ([c.21](#)).