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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 51**

**The Police Service of Scotland (Senior Officers) (Performance) Regulations 2016**

**PART 5**

Consequential amendments, etc.

The Police Appeals Tribunals (Scotland) Rules 2013

**40.**—(1) The Police Appeals Tribunals (Scotland) Rules 2013(1) are amended as follows.

(2) In rule 2 (interpretation)(2)—

(a) in the appropriate places insert—

““2013 Conduct Regulations” means the Police Service of Scotland (Conduct) Regulations 2013(3);”;

““2013 Performance Regulations” means the Police Service of Scotland (Performance) Regulations 2013(4);”;

““2014 Conduct Regulations” means the Police Service of Scotland (Conduct) Regulations 2014(5);”;

““2014 Performance Regulations” means the Police Service of Scotland (Performance) Regulations 2014(6);”;

““performance hearing” means—

(a) in relation to the 2014 Performance Regulations—

(i) a performance hearing to which a constable has been referred under regulation 31(4) of those Regulations; or

(ii) a further performance hearing to which a constable has been referred under regulation 41(4) of those Regulations;

(b) in relation to the Senior Officers’ Performance Regulations—

(i) a performance hearing to which a senior officer has been referred under regulation 27(4) of those Regulations; or

(ii) a further performance to which a senior officer has been referred under regulation 37(4) of those Regulations;”;

““Senior Officers’ Performance Regulations” means the Police Service of Scotland (Senior Officers) (Performance) Regulations 2016;”;

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(1) S.S.I. 2013/63.

(2) Rule 2 has been amended by S.S.I. 2014/67 and S.S.I. 2014/68.

(3) S.S.I. 2013/60.

(4) S.S.I. 2013/61.

(5) S.S.I. 2014/68.

(6) S.S.I. 2014/67.

- (b) in the definition of “inefficiency hearing” for “the Performance Regulations” substitute “the 2013 Performance Regulations”; and
  - (c) omit the definitions of “Conduct Regulations” and “Performance Regulations”.
- (3) In rule 5(3) (notice of appeal), for paragraph (b) substitute—
- “(b) a copy of the disputed decision including (as the case may be)—
    - (i) where the disputed decision was made under the 2013 Conduct Regulations, the misconduct form sent under regulation 23(4)(a) of those Regulations;
    - (ii) where the disputed decision was made under the 2014 Conduct Regulations, a copy of the written notifications given under regulation 23(1) of those Regulations;
    - (iii) where the disputed decision was made under the Senior Officers’ Conduct Regulations, a copy of the written notifications given under regulation 24(1) of those Regulations;
    - (iv) where the disputed decision was made under the 2013 Performance Regulations, the written decision of the chairing constable of the inefficiency hearing under regulation 17 of those Regulations;
    - (v) where the disputed decision was made under the 2014 Performance Regulations, any written notice under regulation 39(2) of those Regulations; and
    - (vi) where the disputed decision was under the Senior Officers’ Performance Regulations, any written notice under regulation 35(2) of those Regulations; and”.
- (4) In rule 6 (reply by respondent), for paragraph (2) substitute—
- “(2) Where the respondent intends to oppose the appeal, the respondent must attach to the notice—
    - (a) a statement setting out fully on what grounds the appeal is opposed and any representations with respect to the information contained with the appellant’s notice of appeal;
    - (b) where the disputed decision was made under the 2013 Conduct Regulations, a certified copy of—
      - (i) the misconduct form prepared under regulation 11(4)(a) of those Regulations in connection with the proceedings giving rise to the appeal;
      - (ii) the written note prepared and audio recording made under regulation 19(11) of those Regulations; and
      - (iii) the notice prepared under regulation 28(11) of those Regulations;
    - (c) where the disputed decision was made under the 2014 Conduct Regulations, a certified copy of—
      - (i) the misconduct form sent under regulation 15(2) of those Regulations in connection with the proceedings giving rise to the appeal;
      - (ii) the audio recording made under regulation 18(5) or (as the case may be) the written record sent under regulation 18(6)(d) of those Regulations; and
      - (iii) the notice under regulation 26(2) of those Regulations;
    - (d) where the disputed decision was made under the Senior Officers’ Conduct Regulations, a certified copy of—
      - (i) the misconduct form sent under regulation 16(2) of those Regulations in connection with the proceedings giving rise to the appeal;
      - (ii) the audio recording made under regulation 19(5) or (as the case may be) the written record sent under regulation 19(6)(d) of those Regulations; and

- (iii) the notice under regulation 26(9) of those Regulations;
- (e) where the disputed decision was made under the 2013 Performance Regulations, a certified copy of—
  - (i) the notice sent under regulation 14 of those Regulations;
  - (ii) the written note prepared under regulation 15(8) of those Regulations; and
  - (iii) the notice under regulation 22(6) of those Regulations recording the chief constable's determination;
- (f) where the disputed decision was made under the 2014 Performance Regulations, a certified copy of—
  - (i) the notice under regulation 33(1) of those Regulations;
  - (ii) the audio recording made under regulation 38(6) of those Regulations; and
  - (iii) the notice under regulation 46(3) of those Regulations;
- (g) where the disputed decision was made under the Senior Officers' Performance Regulations, a certified copy of—
  - (i) the notice under regulation 29(1) of those Regulations; and
  - (ii) the audio recording made under regulation 34(5) of those Regulations; and
- (h) any documentary evidence on which the respondent intends to rely for the purposes of opposing the appeal.”.