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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 63**

**The Police Appeals Tribunals (Scotland) Rules 2013**

**Reply by the respondent**

6.—(1) The respondent must, not later than 21 days after the date on which a copy of the notice of appeal was sent to the respondent in terms of rule 5(7), send to the Registrar a notice stating—

- (a) whether or not the respondent intends to oppose the appeal; and
- (b) the name and address of any representative of the respondent to whom any communication relating to the appeal should be sent.

(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 Conduct Regulations, a certified copy of—
  - (i) the misconduct form prepared in terms of regulation 11(4)(a) of those Regulations in connection with the proceedings which were the subject of the misconduct hearing;
  - (ii) the written note summarising the proceedings at the misconduct hearing prepared by the charring constable of that hearing in terms of regulation 19(11) of those Regulations; and
  - (iii) the notice prepared by the chief constable in terms of regulation 28(11) of those Regulations;
- (c) where the disputed decision was made under the Senior Officers' Conduct Regulations, a certified copy of—
  - (i) the notification made in terms of regulation 24(1) of those Regulations; and
  - (ii) the audio recording of the misconduct hearing made under regulation 19(5) of those Regulations or, as the case may be, the written record of the misconduct hearing made under regulation 19(6) of those Regulations;
- (d) where the disputed decision was made under the Performance Regulations, a certified copy of—
  - (i) the written note summarising the proceedings of the inefficiency hearing prepared by the charring constable of that hearing in terms of regulation 15(8) of those Regulations;
  - (ii) the notice requiring the constable to attend that hearing in terms of regulation 14 of those Regulations; and
  - (iii) the determination of the chief constable notified in terms of regulation 22(7) of those Regulations; and
- (e) any documentary evidence upon which the respondent intends to rely for the purposes of opposing the appeal.

(3) The notice and statement submitted in terms of paragraph (2)(a) must be signed—

- (a) where the respondent is the chief constable, by the chief constable; or

- (b) where the respondent is the Authority, by a member of staff of the Authority who is authorised to sign such documents.
- (4) Where the respondent considers that the respondent cannot provide with the notice under paragraph (1) any document required by paragraph (2), the respondent may include in the notice a request for an extension of the time limit for submission of any such document which sets out the reasons why an extension is requested.
- (5) At the same time as the respondent complies with paragraph (1), the respondent must send a copy of the notice and, where applicable, the statement and other documents referred to in paragraph (2) to the appellant.
- (6) Following receipt of the notice sent pursuant to paragraph (1), the Registrar must—
  - (a) send an acknowledgement of the receipt to the respondent; and
  - (b) provide each member of the tribunal with a copy of the notice and of any accompanying documents.
- (7) Where the respondent's notice includes a request as mentioned in paragraph (4), the chairing member of the tribunal must decide the matter as soon as reasonably practicable.