<div style="text-align:center">SCHEDULE</div> Rule 20

<div style="text-align:center">SAVING, TRANSITIONAL AND REVOCATION</div>

Interpretation

1. In this Schedule "the old Rules" means the Police Appeals Tribunals (Scotland) Rules 1996(**1**).

Saving: appeals pending immediately before 1st April 2013

2. Notwithstanding the revocation of the old Rules by paragraph 5, they continue to have effect, subject to the modifications in paragraph 3, in relation to any appeal under section 30 of the Police (Scotland) Act 1967(**2**) in which a notice of appeal under the old Rules was sent to the Registrar thereunder before 1st April 2013.

Modifications of the old Rules for appeals pending immediately before 1st April 2013

3.—(1) For the purposes of paragraph 2, the old Rules are subject to the following modifications.

(2) In rule 1(2)—

(a) in the definition of "the Registrar" for the words "the officer of the relevant police authority" substitute "the member of the Authority's staff (not being a constable)" and after "Rules" insert "in relation to any appeal brought by a constable"; and

(b) omit the definition of "relevant police authority".

(3) In rule 2—

(a) omit paragraph (1);

(b) in paragraph (4) for "the police authority" substitute "the Scottish Police Authority";

(c) in paragraph (5) for "chairman of the police authority" substitute "chairing member of the Scottish Police Authority";

(d) in paragraph (6) omit the words from "of the police force" to the end; and

(e) in paragraph (7) for the words from "same police authority" to the end substitute "Scottish Police Authority who is appointed by the authority to act as an assistant to the Registrar".

(4) In rule 3—

(a) in paragraph (a) for the words from "the police authority" to the end substitute "the Scottish Police Authority; and"; and

(b) in paragraph (b) for the words from "of the police force" to the end substitute "of the Police Service of Scotland".

(5) In rule 5(3)—

(a) in paragraph (a) for "the relevant police force" substitute "the Police Service of Scotland"; and

(b) in paragraph (b) for "a police authority" substitute "the Scottish Police Authority".

(6) Omit rule 16(8).

(7) In rule 19(3)(a) for "relevant police authority" substitute "Scottish Police Authority".

(**1**) S.I. 1996/1644.
(**2**) 1967 c.77. As amended by the Police and Magistrates' Courts Act 1994 (c.29), section 55(1) and repealed by the Police and Fire Reform (Scotland) Act 2012 (asp 8), schedule 8, Part 1 subject to savings in the Police and Fire Reform (Scotland) Act 2012 (Supplementary, Transitional, Transitory and Saving Provisions) Order 2013.

(8) Anything done by a Registrar under the old Rules before they are modified by this paragraph is regarded, on and after modification, as if it had been done by the Registrar under the old Rules as so modified.

Transitional: appeals not started by 1st April 2013

4.—(1) Any right of appeal arising under section 30 of the Police (Scotland) Act 1967 existing immediately before 1st April 2013 in respect of which no notice of appeal under the old Rules has been sent to the Registrar is, on and after that date, regarded as if it were a right of appeal arising under section 56(1) of the 2012 Act.

(2) For the purposes of section 56(1) and (2) of the 2012 Act, any such right of appeal is regarded as an appeal against any decision to dismiss or demote in rank taken in pursuance of regulations made under section 26 of the Police (Scotland) Act 1967.

(3) In respect of any appeal subject to these Rules by virtue of sub-paragraph (1), in relation to a decision made under the Police (Conduct) (Scotland) Regulations 1996, the Police (Efficiency) (Scotland) Regulations 1996, or the Police (Conduct) (Senior Officers) (Scotland) Regulations 1999, these Rules are modified as follows—

(a) "Conduct Regulations" means the Police (Conduct) (Scotland) Regulations 1996;

(b) "Performance Regulations" means the Police (Efficiency) (Scotland) Regulations 1996;

(c) "Senior Officers' Conduct Regulations" means the Police (Conduct) (Senior Officers) (Scotland) Regulations 1999;

(d) in rule 2 in the definition of "misconduct hearing"—

(i) in paragraph (a) for "regulation 15" substitute "regulation 10"; and

(ii) in paragraph (b) for "regulation 6" substitute "regulation 15";

(e) in rule 2 in the definition of "inefficiency hearing" for "regulation 14" substitute "regulation 13";

(f) for rule 6(2)(b)(i) to (iii) substitute—

"(i) the misconduct form prepared under regulation 6(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 chairing constable of that hearing in terms of regulation 13(16) of those Regulations; and

(iii) the document prepared by the chief constable in terms of regulation 21(6) of those Regulations;";

(g) for rule 6(2)(c)(i) and (ii) substitute—

"(i) the report of the misconduct hearing submitted in terms of regulation 21(1) of those Regulations;

(ii) the discipline form prepared in connection with the proceedings which were the subject of the misconduct hearing and which includes the decision of the police authority under regulation 22(2) of those Regulations; and

(iii) the written note and audio recording made under regulation 17(12) of those Regulations;"; and

(h) for rule 6(2)(d)(i) to (iii) substitute—

"(i) the written note summarising the proceedings of the inefficiency hearing, prepared by the person chairing that hearing, in terms of regulation 14(8) of those Regulations;

    (ii) the notice requiring the constable to attend that hearing in terms of regulation 13 of those Regulations; and

    (iii) the decision of the chief constable notified in terms of regulation 21(7) of those Regulations; and".

Revocation

5. The old Rules are revoked.