

SCHEDULES

SCHEDULE 3

Sections 30, 48, 51.

DISCIPLINARY APPEALS

Notice of Appeal

- 1 Any appeal under section 30 of this Act (in this Schedule referred to as " the principal section ") shall be instituted by giving a notice of appeal in the prescribed manner and within the prescribed time.

Respondent

- 2 On any appeal under the principal section, the appropriate disciplinary authority for the police force shall be made the respondent.

Inquiries

- 3 (1) The Secretary of State shall, unless it appears to him that the case is of such a nature that it can properly be determined without taking evidence, request the sheriff to hold an inquiry and report to him.
- (2) The sheriff, in holding an inquiry under this paragraph, may require any person to attend as a witness and give evidence, or to produce any documents in his possession or power which relate to any matter in question at the inquiry and are such as would be subject to production in a court of law ; and if any person fails without reasonable excuse to comply with the provisions of any such requirement he shall be liable on summary conviction to a fine not exceeding five pounds.
- (3) The sheriff, in the exercise of the functions conferred on him by this paragraph, shall have the like power as regards the administration of oaths as if he were acting in the exercise of his civil jurisdiction.
- (4) The Secretary of State shall, before determining an appeal under the principal section, consider any report made to him under this paragraph, as well as the notice of appeal and any other documents submitted to him by the appellant and the respondent in accordance with rules under this Schedule.
- (5) The Secretary of State may, before determining an appeal under the principal section, remit the case for further investigation by the sheriff when an inquiry has been held, or in any case, if he thinks fit, for further consideration by the disciplinary authority.
- (6) In this paragraph " sheriff" does not include a sheriff-substitute.

Notice and effect of determinations

- 4 (1) A determination on an appeal made by the Secretary of State under the principal section shall, as soon as practicable, be sent to the appellant and the respondent

Status: This is the original version (as it was originally enacted).

together with, if an inquiry was held, a copy of the report of the sheriff holding the inquiry, and the determination shall be final and binding upon all parties.

- (2) Where an appeal is allowed, or the punishment is varied, by the Secretary of State, the determination shall take effect by way of substitution for the decision appealed from, and as from the date of that decision; and where the effect of the determination is to reinstate the appellant in the force or in his rank, he shall, for the purpose of reckoning service for pension, and, to such extent (if any) as may be determined by the determination, for the purpose of pay, be deemed to have served in the force or in that rank, as the case may be, continuously from the date of the decision to the date of reinstatement, and if he was suspended for a period immediately preceding the date of the decision, the determination shall deal with the suspension.

Rules

- 5 The Secretary of State may make rules as to the procedure on appeals and at inquiries under this Schedule and in particular, but without prejudice to the generality of this provision, shall make rules—
- (a) prescribing the form and contents of the notice of appeal and the documents to be submitted by the appellant and the time within which such documents are to be submitted ;
 - (b) prescribing the documents to be submitted and the time within which they are to be submitted by the respondent:

Provided that the rules shall provide for giving to the appellant the right to be represented at an inquiry by a constable or by counsel or a solicitor, and for giving to the respondent the right to be represented by a constable of the police force or by the clerk or other officer of the police authority or by counsel or a solicitor.