
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 117

The Police (Special Constables) (Scotland) Regulations 2008

PART 4

MISCONDUCT

Review by chief constable

23.—(1) Where a finding of misconduct has been recorded and a disposal has been imposed on a special constable under regulation 22(2)(a), (b) or (c), the special constable concerned shall be entitled to request the chief constable to review that finding or that disposal or both the finding and the disposal.

(2) A request for a review must be made in writing to the chief constable within 28 days of the special constable concerned receiving written notification from the misconduct officer of the matters specified in regulation 22(3).

(3) The request for a review must state the grounds on which the review is requested.

(4) A review which is requested by a special constable in accordance with this regulation, must not be carried out by the chief constable unless that special constable has—

- (a) been given the opportunity of being heard before that chief constable; and
- (b) been informed in writing of his or her right to be accompanied by a representative whom he or she may select, who shall not be an interested party, to any meeting or interview with the chief constable.

(5) The chief constable may—

- (a) confirm or overturn the finding of the misconduct officer;
- (b) decide to overturn a disposal which has been imposed by the misconduct officer because he or she considers that it is not necessary to take any action in relation to the finding;
- (c) impose a different disposal which is specified in regulation 22(2) but may not impose a sanction which is greater than that imposed by the misconduct officer,

and separate disposals may be made in relation to separate findings.

(6) The special constable concerned must be notified in writing of the decision of the chief constable under paragraph (5) and must be provided with a written statement of the reasons made for making such a decision, within 7 days of the decision being made.

(7) The decision of the chief constable under paragraph (5) shall take effect by substituting the decision, or as the case may be, part of the decision of the misconduct officer from the date on which that decision was made.

(8) Where a special constable decides to request a review of the finding made or the disposal imposed by the misconduct officer, the decision of the chief constable following such a review shall be final.