
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 67

The Police Service of Scotland (Performance) Regulations 2014

PART 4

Performance hearings

Witnesses

35.—(1) The first line manager and the constable must, no later than 10 working days after receipt by the first line manager of the constable's response under regulation 34, supply to each other—

- (a) the name and address of any witness on whom they propose to rely at the performance hearing and a summary of the evidence each witness will give; or
- (b) notice that they do not intend to rely on any witnesses.

(2) The first line manager and the constable must then seek to agree a joint list of witnesses and provide that list to the chairing constable.

(3) If it is not possible for the first line manager and the constable to agree on a joint list of witnesses, they must each supply to the chairing constable a list of proposed witnesses.

(4) As soon as reasonably practicable after receiving lists of witnesses under paragraphs (2) or (3), the chairing constable must—

- (a) decide which, if any, of the listed witnesses should attend the performance hearing; and
- (b) notify the first line manager and the constable of that decision.

(5) The chairing constable may determine that witnesses not included in any list under this regulation (whether joint or otherwise) are to attend the performance hearing.

(6) The chairing constable must not decide, in pursuance of paragraphs (4) or (5), that any witness is to give evidence at the performance hearing unless the chairing constable reasonably considers that it is necessary for the witness to do so.

(7) The chairing constable must notify in writing any witness who is to attend the performance hearing.