
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 68

The Police Service of Scotland (Conduct) Regulations 2014

PART 1

General

Alleged offences

9.—(1) If the deputy chief constable considers that it can reasonably be inferred that a constable may have committed a criminal offence, the deputy chief constable—

- (a) must refer the matter to the appropriate prosecutor; and
- (b) may suspend or postpone any proceedings under these Regulations until the appropriate prosecutor intimates that—
 - (i) criminal proceedings are not to be brought in respect of any matter mentioned in the misconduct allegation; or
 - (ii) any criminal proceedings which have been brought have been concluded.

(2) If proceedings are suspended or postponed under paragraph (1)(b), the deputy chief constable must inform the constable that—

- (a) those proceedings have been suspended or postponed; and
- (b) those proceedings, or any other proceedings under these Regulations, may be taken against the constable whether or not criminal proceedings are brought against the constable and regardless of the outcome of those proceedings.

(3) In this regulation, “appropriate prosecutor” means—

- (a) where the offence is alleged to have been committed in Scotland, the procurator fiscal; or
- (b) where the offence is alleged to have been committed in any other part of the United Kingdom, Channel Islands or Isle of Man the person who—
 - (i) has responsibility for deciding whether to institute criminal proceedings in that place; or
 - (ii) has instituted such proceedings in relation to the offence.