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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2013 No.**

**The Police and Fire Reform (Scotland)  
Act 2012 (Supplementary, Transitional,  
Transitory and Saving Provisions) Order 2013**

**PART 5**

**POLICE APPEALS TRIBUNALS**

**Saving: police appeals tribunals for appeals pending immediately before 1st April 2013**

**12.**—(1) Section 30(1) to (5) of, and Schedule 3 to, the 1967 Act continue to have effect, subject to the modifications in paragraph (2), in relation to any appeal under section 30 of that Act in which a notice of appeal under the Police Appeals Tribunals (Scotland) Rules 1996(1) was sent to the Registrar thereunder before 1st April 2013.

(2) For the purpose of paragraph (1), Schedule 3 to the 1967 Act is subject to the following modifications—

- (a) where the members of the tribunal have been appointed before 1st April 2013, subject to rule 16(5) of the Police Appeals Tribunals (Scotland) Rules 1996, the tribunal continues to consist of those members after that date;
- (b) where the members of the tribunal have not been appointed before that date—
  - (i) in paragraph 1—
    - (aa) in sub-paragraph (1)(b) from “a police authority” to the end substitute “the Scottish Police Authority; and”; and
    - (bb) in sub-paragraph (1)(c) after “inspector of constabulary” insert “appointed under this Act or section 71 of the Police and Fire Reform (Scotland) Act 2012”; and
  - (ii) in paragraph 2—
    - (aa) in sub-paragraph (1) for “the relevant police authority” substitute “the Scottish Police Authority”; and
    - (bb) in sub-paragraph (1)(c) after “of the police force” insert “which made the decision that is being appealed”;
- (c) for paragraph 6(2) substitute—

“(2) Where a hearing is held, the appellant shall have the right to be represented by a serving constable of the Police Service of Scotland or by an advocate or a solicitor; and the respondent to be represented by a constable of the Police Service of Scotland, a member of police staff or staff of the Scottish Police Authority or by an advocate or a solicitor.”;
- (d) in paragraph 7—

- (i) in sub-paragraph (2) for “in the force, or” substitute “in the Police Service of Scotland, or” and for “in the force or” substitute “or served”; and
- (ii) in sub-paragraph (3) omit “in the force”;
- (e) in paragraph 9 for “the relevant police authority” in both places substitute “the Scottish Police Authority”; and
- (f) in paragraph 10—
  - (i) before sub-paragraph (a) insert—
    - “(aa) “a member of police staff” means an individual appointed under section 26 of the Police and Fire Reform (Scotland) Act 2012;
    - (ab) “staff of the Scottish Police Authority” means an individual appointed under paragraph 6(1) of schedule 1 to that Act;”;
  - (ii) omit sub-paragraph (b).