
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 60

The Police Service of Scotland (Conduct) Regulations 2013

PART 3

Misconduct hearings

Written statements

20.—(1) The presenting officer or the constable may, in lieu of oral evidence, propose to submit a written statement of evidence.

(2) The individual proposing to submit a written statement of evidence in pursuance of paragraph (1) must—

- (a) not less than 21 days (or such shorter period as may be agreed in writing) before the date of the misconduct hearing—
 - (i) give the other party a copy of the statement; and
 - (ii) invite that party to join in a minute of agreement to the admission of the statement without the maker of the statement being called as a witness; and
- (b) not less than 10 days (or such shorter period as may be agreed in writing) before the date of the misconduct hearing lodge the resulting minute of agreement with the deputy chief constable.

(3) The chairing constable may admit evidence by way of a written statement in lieu of oral evidence only if—

- (a) that statement is accompanied by a minute of agreement between the presenting officer and the constable;
- (b) either of those parties requests the chairing constable to admit the written statement and the other party does not object; and
- (c) the evidence contained in the statement would have been admissible if given orally.

(4) Despite the admission of a written statement under paragraph (3), the chairing constable may—

- (a) determine that the person who gave the statement should be called to give oral evidence; and
- (b) disregard the evidence contained in the written statement should that person fail to give oral evidence.

(5) Nothing in this regulation affects the admission of written evidence which would otherwise be admissible.