

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2013 No. 62**

**The Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013**

**PART 1**

**General**

**Interpretation**

**2.** In these Regulations—

“the Act” means the Police and Fire Reform (Scotland) Act 2012<sup>(1)</sup>;

“appeal hearing” means a hearing held by virtue of regulation 26(5)(a) to determine an appeal by the senior officer;

“appeal notice” means a written appeal notice sent under regulation 25(4);

“audio recording” means a recording made on any disc, tape or other device on which sounds are recorded so as to be capable of being reproduced;

“chairing member of the panel” means the individual appointed by virtue of regulation 18(2)(a);

“Commissioner” means the Police Investigations and Review Commissioner;

“conduct” includes acts and omissions;

“disciplinary action” means the action mentioned in regulation 23(3);

“gross misconduct” means a breach of the Standards of Professional Behaviour so serious that dismissal may be justified;

“investigator” means—

(a) in a case where the Commissioner is required or decides to carry out a misconduct investigation by virtue of regulation 9, a member of the Commissioner’s staff appointed in accordance with regulation 10(2)(b) to carry out that investigation on the Commissioner’s behalf; or

(b) in any other case, an individual appointed in accordance with regulation 11;

“improvement action” means action intended to improve the conduct of the senior officer;

“misconduct” means conduct which amounts to a breach of the Standards of Professional Behaviour;

“misconduct allegation” means any report, allegation or complaint from which it can reasonably be inferred that any conduct of the senior officer may amount to misconduct or gross misconduct;

“misconduct form” means the form sent in accordance with regulation 16(2);

“misconduct hearing” means a hearing arranged under regulation 16 to determine whether any conduct of the senior officer amounts to misconduct or, as the case may be, gross misconduct;

“misconduct investigation” means an investigation into whether the senior officer has a case to answer in relation to a misconduct allegation;

“panel” means the panel appointed under regulation 18(1);

“police friend” means an individual chosen by the senior officer in accordance with regulation 4;

“proved” means established on a balance of probabilities;

“Standards of Professional Behaviour” means the standards set out in Schedule 1;

“the senior officer” means a senior officer in respect of whom a misconduct allegation has been made and who is subject, in relation to that allegation, to any proceedings under these Regulations;

“working day” means any day other than—

- (a) a Saturday or Sunday;
- (b) a day which is a bank holiday in Scotland within the meaning given by paragraph 2 of Schedule 1 to the Banking and Financial Dealings Act 1971(2); or
- (c) a day which is a public holiday in Scotland.

---

(2) 1971 c.80. Paragraph 2 of Schedule 1 has been amended by section 1 of the St Andrew’s Day Bank Holiday (Scotland) Act 2007 (asp 2).