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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 62**

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

**PART 1**

**General**

**Suspension**

**6.—(1)** The Authority may suspend a senior officer from the office of constable where an allegation comes to the Authority's attention from which it can reasonably be inferred that any conduct of that officer may—

- (a) constitute a criminal offence; or
- (b) amount to misconduct.

(2) But the Authority must not suspend a senior officer unless at least one of the conditions mentioned in paragraph (3) (“the suspension conditions”) is satisfied.

(3) The suspension conditions are that—

- (a) an effective criminal or misconduct investigation may be prejudiced if the senior officer is not suspended; and
- (b) having regard to the nature of the allegation and any other relevant considerations, the public interest requires the senior officer's suspension.

(4) The Authority must notify the senior officer in writing of any decision to suspend that officer and the reasons for that decision.

(5) A suspension under this regulation—

- (a) has effect from the date of the written notice given under paragraph (4); and
- (b) must be reviewed by the Authority—
  - (i) not more than 4 weeks from that date;
  - (ii) not more than 4 weeks from the date of the previous review (if any); and
  - (iii) where the Authority is notified that circumstances relevant to the suspension conditions may have changed.

(6) In carrying out a review in accordance with paragraph (5)(b), the Authority must consider any representations made by the senior officer.

(7) The Authority may terminate a suspension imposed under paragraph (1) with effect either from the date of the suspension or any other date and must do so where—

- (a) it determines that the suspension conditions are no longer satisfied;
- (b) a decision is taken not to proceed with proceedings under these Regulations; or
- (c) subject to paragraph (8), proceedings under these Regulations have concluded.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(8) Where a senior officer who is suspended is dismissed with notice, that suspension is to subsist until the end of the notice period.