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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 67**

**The Police Service of Scotland (Performance) Regulations 2014**

**PART 4**

**Performance hearings**

**Timing of performance hearing**

**36.**—(1) The performance hearing must take place not later than 35 working days after a notice has been sent under regulation 33(1).

(2) But the chairing constable may extend the time period mentioned in paragraph (1) if it would be in the interests of fairness to do so.

(3) If the time period is extended under paragraph (2), the chairing constable must provide written notification to both the deputy chief constable and the constable of the reasons for that extension.

(4) The chairing constable must, if reasonably practicable, agree a time and date for the performance hearing with the constable.

(5) If no date and time are agreed under paragraph (4), the chairing constable must specify a time and date for that hearing.

(6) If a date and time are specified under paragraph (5) and—

(a) the constable or the constable's police representative will not be available at that date and time; and

(b) the constable proposes an alternative date and time which satisfy paragraph (7),

the hearing must be postponed to the date and time proposed by the constable.

(7) An alternative date and time must—

(a) be reasonable;

(b) fall not later than 10 working days from the date specified by the chairing constable under paragraph (4); and

(c) fall not later than—

(i) 35 working days from the date of a notice given under regulation 33(1); or

(ii) the end of any extended period specified under paragraph (2).

(8) When the date and time of the performance hearing are determined in accordance with paragraphs (4) to (7), the chairing constable must send a notice in writing to the constable specifying the date, time and place of that hearing.

(9) The chairing constable may allow a constable or a constable's police representative (or both) who is unable, on reasonable grounds, to attend the performance hearing to participate in that hearing by video link or any other reasonable means.