
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 67

The Police Service of Scotland (Performance) Regulations 2014

PART 5

Appeal against finding at performance hearing

Procedure for determining appeal

- 45.**—(1) An appeal under regulation 44 must be determined in accordance with this regulation.
- (2) The appeal must be determined by a senior officer who is—
- (a) appointed by the deputy chief constable;
 - (b) in a case where the appellant is a chief superintendent, a deputy chief constable other than the deputy chief constable designated by virtue of regulation 5.
- (3) If the constable requests an appeal hearing, the person determining the appeal must decide whether to—
- (a) hold an appeal hearing; or
 - (b) determine the appeal without holding such a hearing.
- (4) If the constable does not request an appeal hearing or the person determining the appeal decides not to hold such a hearing, the appeal must be determined on the basis of—
- (a) the appeal notice and any evidence sent with that notice; and
 - (b) the audio recording of the performance hearing or further performance hearing to which the appeal relates.
- (5) If the person determining the appeal decides to hold an appeal hearing, the following paragraphs of this regulation apply.
- (6) The person determining the appeal must within 30 working days of receipt of an appeal notice sent under regulation 44(4) send a notice in writing—
- (a) requiring the constable to attend an appeal hearing; and
 - (b) specifying a date and time for that hearing.
- (7) The appeal hearing is to be heard not more than 10 working days from the date on which the decision to hold that hearing was made.
- (8) The appeal hearing is to be conducted in such manner as the person determining the appeal decides, provided that—
- (a) the constable's police representative must be permitted to attend; and
 - (b) the constable and the constable's police representative must be permitted to make oral representations.