
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 68

The Police Service of Scotland (Conduct) Regulations 2014

PART 3

Misconduct proceedings

Procedure at misconduct proceedings

18.—(1) Subject to the following paragraphs of this regulation and regulations 19 and 20, the person conducting the misconduct proceedings is to determine the procedure at those proceedings.

(2) The person conducting the misconduct proceedings must permit—

- (a) the constable or any person representing the constable to make representations;
- (b) evidence to be heard from any witnesses in attendance; and
- (c) subject to paragraph (3), the constable or any person representing the constable to ask questions of any witness.

(3) Whether any question is to be put to a witness is to be determined by the person conducting the proceedings.

(4) The person conducting the proceedings may, with the agreement of the constable, permit the admission of written statements in lieu of oral evidence.

(5) An audio recording may be made of the misconduct proceedings and, where such a recording is made, the constable must be provided with a copy of that recording as soon as reasonably practicable after the conclusion of the proceedings.

(6) Where no audio recording is made under paragraph (5), a written record of the misconduct proceedings must be prepared and—

- (a) the person conducting the misconduct proceedings must provide a draft of that record to the constable;
- (b) the constable must be given the opportunity to make representations in relation to that draft;
- (c) the person conducting the misconduct proceedings must consider any representations made; and
- (d) having considered those representations (if any), that person must send a copy of the final written record of the proceedings to the constable.