
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 68

The Police Service of Scotland (Conduct) Regulations 2014

PART 4

Appeals

Appeals

- 24.—**(1) This regulation applies where—
- (a) it has been determined at misconduct proceedings that any conduct of the constable amounts to misconduct or, as the case may be, gross misconduct; or
 - (b) the constable has admitted that any conduct of the constable amounts to misconduct or, as the case may be, gross misconduct and disciplinary action has been ordered.
- (2) Where this regulation applies, the constable may appeal against—
- (a) in a case mentioned in paragraph (1)(a)—
 - (i) any determination made under regulation 21(1); and
 - (ii) any disciplinary action ordered; or
 - (b) in a case mentioned in paragraph (1)(b), any disciplinary action ordered.
- (3) An appeal under this regulation may be made only on the grounds that—
- (a) any determination under regulation 21(1) or any disciplinary action ordered is unreasonable;
 - (b) there is evidence that could not reasonably have been considered at the misconduct proceedings which could have affected materially such a determination or the decision to order particular disciplinary action; or
 - (c) there was a breach of the procedures set out in these Regulations which could have affected materially such a determination or decision.
- (4) An appeal may be requested by the constable sending a written appeal notice to the deputy chief constable not more than 30 working days from the date on which the constable received a notice under regulation 23(1).
- (5) The appeal notice must specify—
- (a) whether the constable appeals against;
 - (i) a determination made under regulation 21(1);
 - (ii) the disciplinary action ordered; or
 - (iii) both;
 - (b) the grounds of appeal; and
 - (c) whether the constable requests an appeal hearing.
- (6) The constable must—

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- (a) send with the appeal notice a copy of any document or other information which it is considered supports the constable's appeal; and
- (b) without prejudice to the generality of sub-paragraph (a), where the constable seeks to rely on the ground of appeal mentioned in paragraph (3)(b), submit with the appeal notice details of the evidence which the constable considers could have affected materially any determination or decision of the person conducting the misconduct proceedings.