

## SCHEDULE 2

Regulation 28

### Modifications

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

1.—(1) The Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013(1) are modified as follows.

(2) In regulation 2 (interpretation)—

- (a) in the definition of “misconduct”, at the end insert “(but does not, unless the context otherwise requires, include gross misconduct)”; and
- (b) for “police friend” substitute “police representative”.

(3) In regulation 4 (police friend), for “police friend”, in each place it occurs, substitute “police representative”.

(4) In regulation 5(4) (legal representation), for “police friend” substitute “police representative”.

(5) In regulation 6(1)(b) (suspension), after “misconduct” insert “or gross misconduct”.

(6) In regulation 16(3) (arrangement of misconduct hearing), for sub-paragraph (g) substitute—  
“(g) the requirement to provide a notice in response to the misconduct form in accordance with paragraphs (5) to (7);”.

(7) In regulation 20(3)(a) (proceedings in senior officer’s absence), for “police friend” substitute “police representative”.

(8) In regulation 23 (disciplinary action)—

(a) for paragraph (2)(a) and (b) substitute—

- “(a) improvement action; or
- (b) subject to paragraphs (4) to (7), any such disciplinary action as is mentioned in paragraph (3).”;

(b) in paragraphs (4) and (5)—

- (i) for “on” to “22(1)(b)” substitute “at a time when any of the conduct forming the subject matter of the misconduct allegation occurred”; and
- (ii) for “remains” substitute “was”; and

(c) in paragraph (6)—

- (i) for “is” substitute “was”;
- (ii) for “on” to “22(1)(b)” substitute “at a time when any of the conduct forming the subject matter of the misconduct allegation occurred”; and
- (iii) for “remains” substitute “was”.

(9) In regulation 25(4) (appeals), for “10” substitute “30”.

(10) In regulation 26 (appeal procedure)—

(a) for paragraph (6) substitute—

“(6) The senior officer may, by notice in writing to the Authority, request the postponement of the appeal hearing to a later date and time.”;

(b) in paragraph (7)(a), for “police friend” substitute “police representative”;

**Status:** This is the original version (as it was originally made).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

- (c) in paragraph (9), for “as soon as reasonably practicable” substitute “not more than 60 working days from the date the appeal notice was submitted under regulation 25(4)”; and
- (d) after that paragraph, insert—
  - “(9A) The period mentioned in paragraph (9) may be extended to not more than 120 working days if the Authority considers there to be exceptional circumstances to justify doing so.”.

### **The Police Service of Scotland Regulations 2013**

**2.** In regulation 2 (interpretation and application) of the Police Service of Scotland Regulations 2013(2), in the definition of “Conduct Regulations”, for “2013”, where it first appears, substitute “2014”.

### **The Police Appeals Tribunal (Scotland) Rules 2013**

**3.** In rule 2 (interpretation) of the Police Appeals Tribunal (Scotland) Rules 2013(3), in the definition of “Conduct Regulations”, for “2013” substitute “2014”.

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(2) S.S.I. 2013/35. This instrument has been amended by S.S.I 2013/122, 2013/125 and 2014/1.  
(3) S.S.I. 2013/63.