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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 51**

**The Police Service of Scotland (Senior  
Officers) (Performance) Regulations 2016**

**PART 4**

**Performance hearings**

**Timing of performance hearing**

**32.**—(1) The performance hearing must take place not later than 35 working days after a notice has been sent under regulation 29(1).

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

(3) If the time period is extended under paragraph (2), the chairing member of the panel must provide written notification to both the Authority and the senior officer of the reasons for that extension.

(4) The chairing member of the panel must, if reasonably practicable, seek to agree a time and date for the performance hearing with the senior officer.

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

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

- (a) the senior officer or the senior officer's police representative will not be available at that date and time; and
- (b) the senior officer proposes an alternative date and time which satisfy the requirements of paragraph (7),

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

(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 member of the panel under paragraph (5); and
- (c) fall not later than—
  - (i) 35 working days from the date of a notice given under regulation 29(1); or
  - (ii) the end of any extended period specified under paragraph (2).

(8) If the date and time of the performance hearing have been determined in accordance with paragraphs (4) to (7), the chairing member of the panel must send a notice in writing to the senior officer specifying the date, time and place of that hearing.

(9) The chairing member of the panel may allow a senior officer or a senior officer'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.