SCOTTISH STATUTORY INSTRUMENTS

2026 No. 276

POLICE

The Police Service of Scotland (Conduct) Amendment Regulations 2026

Made - - - -	*29th September 2026*
Laid before the Scottish Parliament	*1st October 2026*
Coming into force - -	*26th November 2026*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 48, 55 and 125(1) of the Police and Fire Reform (Scotland) Act 2012(**a**) and all other powers enabling them to do so.

In accordance with section 54(2) of that Act, the Scottish Ministers have consulted and shared a draft of the Regulations with the persons mentioned in section 54(2)(a)(i) to (vi) of that Act and have considered any representations made.

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Police Service of Scotland (Conduct) Amendment Regulations 2026 and come into force on 26 November 2026.

Interpretation

2. In these Regulations—

"the 2014 Conduct Regulations" means the Police Service of Scotland (Conduct) Regulations 2014(**b**),

"the Special Constables Regulations" means the Police Service of Scotland (Special Constables) Regulations 2013(**c**).

(**a**) 2012 asp 8.
(**b**) S.S.I. 2014/68 as amended by section 3(5) of the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025 (asp 5) and S.S.I. 2025/378.
(**c**) S.S.I. 2013/43 as amended by S.S.I. 2013/122, S.S.I. 2013/125 and S.I. 2019/745.

PART 2

Amendments to the 2014 Conduct Regulations

Amendments to the 2014 Conduct Regulations

3. The 2014 Conduct Regulations are amended in accordance with regulations 4 to 22.

Interpretation

4. In regulation 2 (interpretation)—

(a) before the definition of "appeal hearing", insert—

""accelerated misconduct hearing" means a hearing to which the constable is referred under regulation 23B after the case has been certified as one where special conditions are satisfied,",

(b) before the definition of "conduct", insert—

""Commissioner" means the Police Investigations and Review Commissioner,",

(c) before the definition of "disciplinary action", insert—

""data subject" has the same meaning as in section 3 of the Data Protection Act 2018(**a**),",

(d) in the definition of "disciplinary action", after "22(3)", insert "or regulation 23L(4)",

(e) after the definition of "disciplinary action", insert—

""document" means anything in which information of any description is recorded,",

(f) before the definition of "gross misconduct", insert—

""First-tier Tribunal" means the First-tier Tribunal for Scotland General Regulatory Chamber,",

(g) after the definition of "improvement action", insert—

""informant" means a person who provides information to an investigation on the basis that the person's identity is not disclosed,",

(h) in the definition of "misconduct", after "Behaviour", insert "that is so serious as to justify disciplinary action",

(i) for the definition of "misconduct allegation", substitute—

""misconduct allegation" means any report, allegation, complaint or other information—

(a) whether made or received formally or informally, and

(b) from which it can reasonably be inferred, having regard to—

(i) the substance of that information, and

(ii) any available evidence or surrounding circumstances,

that any conduct of the constable may amount to misconduct or gross misconduct,",

(j) after the definition of "misconduct meeting", insert—

""misconduct pre-hearing" means a pre-hearing arranged under regulation 16A(5) to determine preliminary matters,",

(k) after the definition of "Performance Regulations", insert—

""personal data" has the same meaning as in section 3 of the Data Protection Act 2018,

"person conducting the accelerated misconduct hearing" means the constable appointed under regulation 23G(1) to conduct the accelerated misconduct hearing,",

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(**a**) 2018 c. 12.

(l) after the definition of "police representative", insert—

""presenting officer" means the person appointed under regulation 16C(1),",

(m) after the definition of "proved", insert—

""special conditions" has the meaning given by regulation 23B,",

(n) after the definition of "the constable", insert—

""the Senior Officers' Conduct Regulations" means the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013,",

(o) before the definition of "working day", insert—

""trauma-informed practice" is a means of operating that—

(a) recognises that a person may have experienced trauma,

(b) understands the effects which trauma may have on the person, including how trauma may affect any evidence given by the person, and

(c) based on that understanding, involves adapting and implementing processes and practices to—

(i) seek to avoid, or minimise the risk of, exposing the person to any recurrence of past trauma or further trauma,

(ii) seek to avoid, or minimise the risk of, negatively impacting the person's recovery from trauma,

(iii) enable the person to participate effectively in proceedings,".

Application

5. In regulation 3 (application), in paragraph (2) for sub-paragraph (c) substitute—

"(c) conduct of a special constable appointed under section 9 of the Act occurring before 26 November 2026.".

Police representative

6. In regulation 6 (police representative)—

(a) after paragraph (4), insert—

"(4A) A police representative may not answer any question asked of the constable during any interview, meeting or hearing which the constable attends under these Regulations.",

(b) after paragraph (5), insert—

"(6) This regulation applies in relation to an accelerated misconduct hearing as it applies in relation to misconduct proceedings.".

Legal representation

7. In regulation 7 (legal representation)—

(a) for paragraph (1), substitute—

"(1) The constable is, in accordance with this regulation, entitled to be legally represented by a solicitor or advocate of the constable's choice at any—

(a) misconduct pre-hearing,

(b) misconduct hearing,

(c) accelerated misconduct hearing, or

(d) appeal hearing, provided that the appeal relates to the outcome of a misconduct hearing or accelerated misconduct hearing.",

(b) in paragraph (2)—

(i) after "conducting", insert "the misconduct pre-hearing,",

(ii) after "misconduct hearing", insert ", the accelerated misconduct hearing",

(c) after paragraph (3), insert—

"(4) The constable's legal representative may not answer any question asked of the constable during any hearing which the constable attends under these Regulations.".

Suspension

8. In regulation 8 (suspension)—

(a) in paragraph (2)—

(i) for "at least one of", substitute "following",

(ii) for "is", substitute "are",

(b) for paragraph (3), substitute—

"(3) The suspension conditions are that—

(a) having considered temporary redeployment to alternative duties or an alternative location as an alternative to suspension, the senior constable has determined that such a redeployment is not appropriate in all the circumstances of the case, and

(b) it appears to the senior constable that at least one of the following applies—

(i) an effective criminal or misconduct investigation may be prejudiced if the constable is not suspended, or

(ii) having regard to the nature of the allegation and any other relevant considerations, the public interest requires the constable's suspension.",

(c) in paragraph (9), for "a constable of a higher rank than the suspended constable" substitute "the deputy chief constable, another deputy chief constable or an assistant chief constable".

Joint investigation by deputy chief constable and Commissioner

9. After regulation 10 (preliminary assessment), insert—

"**Joint investigation by deputy chief constable and Commissioner**

10A.—(1) This regulation applies where—

(a) a misconduct investigation arises from facts and circumstances that concern both—

(i) a constable to whom these Regulations apply, and

(ii) a senior officer to whom the Senior Officers' Conduct Regulations(**a**) apply, and

(b) the deputy chief constable and the Commissioner each determine that a joint investigation is appropriate.

(2) Nothing in this regulation—

(a) affects the separate statutory functions and duties of the deputy chief constable, and the investigator appointed, under these Regulations,

(b) affects the separate statutory functions and duties of the Commissioner, and the investigator appointed, under the Senior Officers' Conduct Regulations,

(c) permits the substitution, modification or merging of any notice, procedure, report or decision required by these Regulations or the Senior Officers' Conduct Regulations.

(**a**) S.S.I. 2013/62 as amended by section 3(4) of the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025 (asp 5), S.S.I. 2014/68 and S.S.I. 2020/453.

(3) A joint investigation report must not be produced.

(4) A joint investigation must not prejudice—

(a) the procedural fairness to the constables involved in the investigation, in particular—

(i) the right to make representations,

(ii) the right to be represented,

(b) the ability of independent determinations to be reached under these Regulations and the Senior Officers' Conduct Regulations.

Conducting joint investigations

10B.—(1) Where the deputy chief constable and the Commissioner determine that a joint investigation is appropriate, the deputy chief constable and the Commissioner must agree and record in writing a joint investigation strategy to determine—

(a) the scope of any shared lines of enquiry,

(b) whether, in relation to each witness, any interview would more appropriately be conducted—

(i) jointly, by the investigator appointed under these Regulations and the investigator appointed under the Senior Officers' Conduct Regulations, or

(ii) separately, with records or summaries shared between investigators,

(c) any safeguarding or welfare considerations in relation to any witness or victim involved in the investigation, including ensuring that any witness or victim is treated in a way that accords with trauma-informed practice.

(2) The joint investigation strategy must state—

(a) whether a witness will be interviewed jointly or separately by each investigator,

(b) the reasons for that decision,

(c) the arrangements for sharing documents, audio recordings, written records, evidence and other materials.

Joint interviews

10C.—(1) A joint interview of a constable and a senior officer must not take place.

(2) A joint interview of a witness may be conducted where—

(a) the deputy chief constable and the Commissioner agree,

(b) the approach is consistent with trauma-informed practice, and

(c) the rights of each constable under the applicable Regulations are not prejudiced.

(3) Any joint interview of a witness must—

(a) be audio recorded unless both investigators agree that doing so would be inappropriate, in which case a single agreed written record must be prepared,

(b) be made available in the appropriate form to both investigators for the purposes of preparation of their respective reports.

Joint investigations: information sharing

10D. Investigators may share—

(a) records of interviews (audio or written),

(b) witness statements,

(c) relevant documents,

(d) an investigator's report, and

(e) any other material reasonably required for the conduct of each investigation,

including information relating to the matters specified in paragraphs (a) to (e).".

Notice of investigation

10. In regulation 11 (notice of investigation), for paragraph (2), substitute—

"(2) If at any time after the notice mentioned in paragraph (1) is issued but before the report mentioned in regulation 13(1) is issued, the investigator's assessment of—

(a) whether the constable's conduct would, if proved, amount to misconduct or gross misconduct, or

(b) the conduct forming the subject matter of the misconduct allegation,

changes, the investigator must issue a further notice of investigation as soon as reasonably practicable in accordance with this regulation notifying the constable of that change.".

Investigator's report

11. In regulation 13 (investigator's report)—

(a) in paragraph (3)—

(i) in sub-paragraph (a), after "12(7)", insert ", or, where no audio recording is made, a copy of the written record made under regulation 12(8)",

(ii) for sub-paragraph (b), substitute—

"(b) any written representations made by the constable during the misconduct investigation, together with any documents submitted alongside those representations.",

(b) after paragraph (3), insert—

"(4) If, at any time during the investigation, the investigator believes that the deputy chief constable would, on consideration of the matter, be likely to determine that the special conditions are satisfied, the investigator must, whether or not the investigation is complete, submit to the deputy chief constable—

(a) a statement of the investigator's belief and the grounds for it, and

(b) a written report on the investigation to that point.

(5) If at any time during the investigation the investigator believes that, in light of evidence made available to the investigator that was not available to the deputy chief constable when the deputy chief constable made their assessment under regulation 10, the deputy chief constable would, on further consideration of the matter, be likely to determine that the conduct which is the subject matter of the allegation, if proved, would amount to neither misconduct nor gross misconduct, the investigator must, whether or not the investigation is complete, submit to the deputy chief constable—

(a) a statement of the investigator's belief and the grounds for it,

(b) a written report on the investigation to that point, and

(c) a statement of the investigator's opinion as to whether the matter should be referred to be dealt with under the Performance Regulations, by improvement action or by taking no action.

(6) Where a report is submitted to the deputy chief constable under paragraph (5), the deputy chief constable must make a further assessment under regulation 10.

(7) If the deputy chief constable assesses that the conduct, if proved, would amount to misconduct or gross misconduct, the investigator must continue to proceed with the investigation that has been commenced.

(8) If the deputy chief constable makes an assessment other than that the conduct, if proved, would amount to misconduct or gross misconduct—

(a) the case must be dealt with in accordance with regulation 10,

(b) the investigation must be promptly concluded, and

(c) the deputy chief constable must, as soon as practicable, give the constable notice in writing that—

(i) the notice given to the constable under regulation 11(1) has been withdrawn,

(ii) no further action will be taken pursuant to that notice, and

(iii) the investigation has been concluded.".

Referral to misconduct proceedings

12. In regulation 14 (referral to misconduct proceedings) in paragraph (1), at the beginning, insert "Subject to regulation 23B,".

Notification of complainant where there is no case to answer

13. After regulation 14 (referral to misconduct proceedings), insert—

"**Notification of complainant where there is no case to answer**

14A.—(1) This regulation applies where, under regulation 14(5), the deputy chief constable determines that a constable has no case to answer in respect of misconduct or gross misconduct.

(2) Where this regulation applies and the misconduct allegation arose from a complaint made by a member of the public, a constable, a member of the Authority's staff or a member of police staff, the deputy chief constable must notify the person who made the complaint in writing, as soon as reasonably practicable, of—

(a) the determination that there was no case to answer in respect of misconduct or gross misconduct,

(b) whether—

(i) no further action is to be taken,

(ii) improvement action is to be taken, or

(iii) the matter has been referred to be dealt with under the Performance Regulations, and

(c) the reasons for the determination.

(3) The deputy chief constable may withhold or limit the notification under paragraph (2) insofar as the deputy chief constable considers that preventing the disclosure of information is—

(a) necessary to avoid prejudicing current or future criminal proceedings,

(b) necessary for the purpose of the prevention or detection of crime or the apprehension or prosecution of offenders,

(c) necessary for the prevention or detection of misconduct by other constables or police staff,

(d) necessary and proportionate for the protection of the welfare and safety of any informant, witness or other person,

(e) necessary and proportionate to prevent the disclosure of personal data or sensitive information relating to the constable or any other person which is not required to enable the member of the public to understand the determination and the reasons for it, or

(f) otherwise in the public interest.

(4) Where notification is withheld or limited in reliance on paragraph (3), the deputy chief constable must record reasons for that decision.".

Arrangement of misconduct proceedings

14. In regulation 15 (arrangement of misconduct proceedings)—

(a) in paragraph (3)—

(i) in sub-paragraph (c), for "facts established", substitute "evidence gathered and relied upon",

(ii) in sub-paragraph (d)—

(aa) after "be", insert "reasonably",

(bb) for "established facts", substitute "evidence in the report",

(iii) after sub-paragraph (h), insert—

"(i) the name of the person appointed to present the case against the constable.",

(b) in paragraph (4), after sub-paragraph (a), insert—

"(aa) a copy of any audio recording made of an interview under regulation 12(7), or, where no audio recording is made, a copy of the written record made under regulation 12(8),",

(c) after paragraph (4), insert—

"(4A) For the purposes of paragraph (5), a misconduct form is to be treated as having been given to the constable—

(a) if given to the constable in person, on the date on which it is given,

(b) if sent to the constable by email or by any other means of electronic communication, on the date on which it is sent,

(c) if left with a person at the constable's last known address, on the date on which it is left,

(d) if sent to the constable's last known address by first class post using a recorded delivery service or any other postal service which provides for recorded delivery the next working day, on the second working day after the date on which it is sent.

(4B) Where a misconduct form is required to be sent to the constable under paragraph (2), it may instead be sent to—

(a) a police representative chosen by the constable in accordance with regulation 6, or

(b) a legal representative acting for the constable in accordance with regulation 7,

and any such sending is to be treated for the purposes of this regulation (including paragraph (4A)) as sending the misconduct form to the constable.",

(d) in paragraph (5), for "from the date of receipt of the misconduct form", substitute "from the date on which the misconduct form is treated as having been given to the constable",

(e) after paragraph (5), insert—

"(5A) If the constable does not provide the written notice required under paragraph (5), the deputy chief constable may refer the misconduct allegation to misconduct proceedings notwithstanding the constable's failure to provide the written notice.".

Role of person conducting the misconduct proceedings

15. After regulation 16 (appointment of person to conduct misconduct proceedings), insert—

"**Role of person conducting the misconduct proceedings**

16A.—(1) The person conducting the misconduct proceedings must take appropriate action to ensure the efficient and effective bringing of proceedings and that proceedings are conducted in a timely, fair and transparent manner.

(2) In particular, and subject to paragraph (3), the person conducting the misconduct proceedings must ensure that the first day of the misconduct proceedings is not more than

100 working days later than the date on which the misconduct form is treated as having been given to the constable in accordance with regulation 15(4A).

(3) Where the person conducting the misconduct proceedings considers that it would be in the interests of justice to do so, the person conducting the misconduct proceedings may extend the period of 100 working days specified in paragraph (2).

(4) Failure to comply with the time limits in paragraphs (2) and (3) does not invalidate the misconduct proceedings.

(5) The person conducting the misconduct proceedings must decide, before the end of 6 working days beginning with the date on which the investigator's report and related documents are received by the person conducting the misconduct proceedings in accordance with regulation 16B, whether to conduct a misconduct pre-hearing, in order to agree directions in advance of the misconduct proceedings, and to determine any outstanding issues relating to—

(a) the date, time, location or duration of the misconduct proceedings,

(b) any lists of witnesses and which, if any, witnesses should attend the misconduct proceedings,

(c) any documents or other information supplied under regulation 13,

(d) any procedural or preliminary legal arguments or points of law raised which the person conducting the misconduct proceedings considers appropriate to be dealt with at the misconduct pre-hearing, and

(e) disclosure of documents.

(6) At the misconduct pre-hearing the person conducting the misconduct proceedings may give such directions as the person conducting the misconduct proceedings considers appropriate for the fair, efficient and timely conduct of the misconduct proceedings.

(7) Directions given under paragraph (6) are binding on the parties unless varied or revoked by the person conducting the misconduct proceedings.

(8) The person conducting the misconduct proceedings may vary or revoke a direction where satisfied that it is in the interests of justice to do so.

(9) A misconduct pre-hearing—

(a) must be conducted by the person conducting the misconduct proceedings alone, and

(b) may be attended by—

(i) the constable (including any representative),

(ii) the deputy chief constable (including any representative),

(iii) the presenting officer, and

(iv) any assessor appointed.

(10) A misconduct pre-hearing may be conducted by telephone or by such other electronic means as may be agreed between the parties, or, where the parties fail to agree, as decided by the person conducting the misconduct proceedings.

(11) Where the person conducting the misconduct proceedings decides to hold a misconduct pre-hearing, the person conducting the misconduct proceedings must, as soon as practicable, and subject to any reasonable alternative date and time proposed by the constable, give reasonable notice to the parties of the date, time, expected duration and location of the misconduct pre-hearing.

(12) Where a person entitled to attend a misconduct pre-hearing has been given reasonable notice in accordance with paragraph (11) but fails to attend, the person conducting the misconduct proceedings may proceed with the misconduct pre-hearing in that person's absence.

(13) Where the person conducting the misconduct proceedings decides to conduct a misconduct pre-hearing, the pre-hearing must be held as soon as reasonably practicable, having regard to the duty under paragraph (1) and the time limit specified in paragraph (2).

(14) Within the period of 5 working days beginning with the date of the misconduct pre-hearing, the person conducting the misconduct proceedings must serve on the parties—

(a) a summary of the key matters discussed at the misconduct pre-hearing, and

(b) a record of any directions issued,

which must include details of any witness lists agreed by the parties and any determinations and directions made as to the witnesses who are to give evidence at the misconduct proceedings.

(15) For the purposes of this regulation, "the parties" means the constable, the deputy chief constable and the presenting officer, and any representatives of the same.

Documents to be supplied

16B.—(1) As soon as practicable after the misconduct form is sent to the constable in accordance with regulation 15(2) and the constable has complied with the duty in regulation 15(5), the deputy chief constable must supply the person conducting the misconduct proceedings in accordance with regulation 16(1) and the presenting officer appointed in accordance with regulation 16C(1) with a copy of—

(a) any documents given to the constable under regulation 15(2) and (4), and

(b) any documents provided by the constable under regulation 15(5), (6) and (7).

(2) Where the constable has not complied with regulation 15(5), the deputy chief constable must, as soon as reasonably practicable, supply the person conducting the misconduct proceedings and the presenting officer with a copy of the documents referred to in paragraph (1)(a).

Presenting officer

16C.—(1) The deputy chief constable must appoint a person (the "presenting officer") who has the appropriate skills, knowledge and expertise to present the case against the constable at the misconduct hearing.

(2) The presenting officer may be—

(a) a constable of a rank senior to the constable who is subject to the misconduct allegation,

(b) a member of police staff, or

(c) a legally qualified person instructed for that purpose.

(3) The deputy chief constable must not appoint as the presenting officer any person whose appointment could give rise to a reasonable concern as to whether that person could act impartially in relation to the proceedings.".

Witnesses

16. In regulation 17 (witnesses)—

(a) for paragraph (1), substitute—

"(1) Subject to any directions given at any misconduct pre-hearing under regulation 16A(5)(b), the constable and the presenting officer must, not more than 10 working days after the presenting officer is supplied with copies of the documents under regulation 16B(1), seek to agree a joint list of witnesses based on the lists provided under regulation 15(4) and (6) and provide that list to the person conducting the misconduct proceedings.",

(b) for paragraph (3), substitute—

"(3) Subject to any directions given at any misconduct pre-hearing under regulation 16A(5), not more than 10 working days after receiving lists of witnesses under paragraph (2), the person conducting the misconduct proceedings must—

(a) decide which, if any, of the listed witnesses should give evidence at those proceedings, and

(b) notify the constable and the presenting officer of that decision.",

(c) after paragraph (3), insert—

"(3A) Where a misconduct pre-hearing is held under regulation 16A(5), any determination as to the witnesses who are to give evidence at the misconduct proceedings, or any other directions as to witnesses, may be made at that pre-hearing, and any such determination or direction has effect for the purposes of this regulation.",

(d) for paragraph (6) substitute—

"(6) The presenting officer must, not less than 5 working days before the date of the misconduct proceedings, notify in writing any witness who is to give evidence at those proceedings in accordance with this regulation or any direction given under regulation 16A(5).",

(e) after paragraph (6), insert—

"(7) Where a witness is to give evidence, the person conducting the misconduct proceedings may, where satisfied that it is appropriate for the effective participation of the witness or for the efficient conduct of proceedings, take any of the following steps—

(a) allow such other persons to be present during the witness's evidence as appears reasonable having regard to the circumstances (and, in particular, a parent or guardian may be permitted to attend where the witness is a child),

(b) permit the witness to participate in the misconduct proceedings by live television link or other suitable remote means, or from behind a screen, or with a supporter present, or by any combination of such measures,

(c) direct that the witness give evidence in private,

(d) make such other provision for the taking of the witness's evidence as the person conducting the misconduct proceedings considers necessary to secure the effective giving of evidence.

(8) The person conducting the misconduct proceedings may take any of the steps mentioned in paragraph (7) only where satisfied that doing so would not give rise to a significant risk of prejudice to the fairness of the proceedings or otherwise to the interests of justice.

(9) For the purposes of this regulation, "child" means a person under the age of 18 years.".

Procedure at misconduct proceedings

17. In regulation 18 (procedure at misconduct proceedings)—

(a) for paragraph (2), substitute—

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

(a) the presenting officer—

(i) to address the proceedings in order to state the case against the constable,

(ii) to call any witness to give evidence,

(iii) to respond to any view expressed at the proceedings, and

(iv) subject to paragraph (3), ask questions of any witness,

(b) the constable or any person representing the constable—

(i) to address the proceedings in order to state the case of the constable,

(ii) to call any witness to give evidence,

(iii) to respond to any view expressed at the proceedings, and

(iv) subject to paragraph (3), ask questions of any witness.",

(b) for paragraph (4), substitute—

"(4) The person conducting the proceedings may permit the admission of documents (including written statements) in lieu of oral evidence where satisfied that doing so would not prejudice the fairness of the proceedings, having given the constable an opportunity to make representations.".

Proceedings in the constable's absence

18. In regulation 19 (proceedings in the constable's absence), in paragraph (1)—

(a) for "video link or other suitable means", substitute "live television link or other suitable remote means",

(b) after "grounds,", insert "including the constable's welfare,".

Attendance of third parties

19. In regulation 20 (attendance of third parties)—

(a) after paragraph (1), insert—

"(1A) The investigator, or suitable replacement with sufficient knowledge of the investigation to be able to answer questions, must attend the misconduct proceedings at the request of the person conducting those proceedings to answer questions.",

(b) for paragraph (2), substitute—

"(2) Where the misconduct proceedings have arisen from a complaint made by a member of the public, a constable, a member of the Authority's staff or a member of police staff, the person conducting the misconduct proceedings must—

(a) inform the person who made the complaint of the date, time and location of the proceedings, and

(b) permit the person who made the complaint to attend, as an observer, those proceedings, or such part or parts of those proceedings as the person conducting them considers appropriate.",

(c) omit paragraph (3).

Disciplinary action

20. In regulation 22 (disciplinary action)—

(a) in paragraph (3), omit sub-paragraph (a),

(b) in paragraph (4), for "neither a verbal warning nor a written warning may be given", substitute "a further written warning may not be given",

(c) for paragraph (5), substitute—

"(5) Where, on the date of the determination under regulation 21(1)(b), the constable was subject to a final written warning which was in effect, a written warning or a final written warning may not be given.",

(d) for paragraphs (7) and (8), substitute—

"(7) A written warning or final written warning remains in effect—

(a) in the case of a written warning, for a period of 18 months from the date on which it is given, or

(b) in the case of a final written warning, for a period of 2 years from the date on which it is given.

(8) Where a final written warning is given under paragraph (3)(c), the period in paragraph (7)(b) may be extended by a person conducting any subsequent misconduct proceedings to a maximum period of 5 years.".

Notification of determination and action to be taken

21. For regulation 23 (notification of determination and action to be taken), substitute—

"**Notification of determination, action to be taken and publication**

23.—(1) The person conducting the misconduct proceedings must, as soon as reasonably practicable and not later than 10 working days from the date of conclusion of the misconduct proceedings, submit a report to the deputy chief constable setting out—

(a) the determination of the person conducting the misconduct proceedings under regulation 21(1),

(b) the reasons for the determination,

(c) what improvement or disciplinary action is to be taken, and

(d) where it was determined that the conduct of the constable amounted to gross misconduct but the disciplinary action imposed was not dismissal without notice, the reasons for that decision.

(2) The report submitted to the deputy chief constable under paragraph (1) must be the full report and information must not be withheld, redacted or anonymised.

(3) Before disclosing the report to any other person or publishing it, the deputy chief constable must, having regard to paragraph (5), consider, separately in relation to—

(a) disclosure to the constable,

(b) disclosure to any person under paragraph (8), and

(c) publication under paragraph (10),

whether any information contained in the report should be withheld, redacted or anonymised.

(4) Where the deputy chief constable determines that information should be withheld, redacted or anonymised for any purpose specified in paragraph (3), the deputy chief constable must—

(a) record the reasons for that determination, including the category of disclosure to which it applies,

(b) ensure that the appropriate version of the report is prepared and used for that purpose.

(5) In considering the matters mentioned in paragraph (3), the deputy chief constable may produce different versions of the report where the deputy chief constable considers this to be necessary and proportionate, having regard to—

(a) the nature of the information concerned,

(b) the purpose of the disclosure,

(c) the rights and interests of any data subject.

(6) A report submitted to the deputy chief constable under paragraph (1) must—

(a) in a case where a written warning has been given, explain the effect of regulation 22(4) and (7)(a) in relation to any future misconduct allegation,

(b) in a case where a final written warning has been given, explain the effect of regulation 22(5), (6), (7)(b) and (8) in relation to such an allegation,

(c) in a case where it is determined that any conduct of the constable amounts to misconduct or (as the case may be) gross misconduct, include notice of—

(i) the constable's right to appeal under regulation 24, and

(ii) the name of the person to whom an appeal should be submitted.

(7) As soon as practicable after receiving the report, the deputy chief constable must notify the constable of the outcome of the misconduct proceedings by providing a copy of the report, subject to such withholding, redaction or anonymisation as the deputy chief constable considers necessary in accordance with paragraph (3)(a).

(8) Where the misconduct proceedings arose from a complaint made by a member of the public, a constable, a member of the Authority's staff or a member of police staff, the deputy chief constable must provide a copy of the report to the person who made the complaint, subject to such withholding, redaction or anonymisation as the deputy chief constable considers necessary in accordance with paragraph (3)(b).

(9) In determining what information may be withheld, redacted or anonymised for the purposes of paragraph (8), the deputy chief constable must have particular regard to whether the information—

(a) comprises personal data relating to the constable or any other individual which is not necessary to enable the recipient to understand the outcome and reasons for it, or

(b) relates to private or personal circumstances which do not materially affect the determination or disciplinary outcome.

(10) Subject to paragraph (12), the deputy chief constable must publish a version of the report.

(11) In relation to publication, the deputy chief constable may only withhold, redact or anonymise information in the report—

(a) insofar as the deputy chief constable considers this is—

(i) necessary for the purpose of preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, criminal proceedings,

(ii) necessary for the purpose of the prevention or detection of crime, or the apprehension or prosecution of offenders,

(iii) necessary for the purpose of the prevention or detection of misconduct by other constables or police staff,

(iv) necessary and proportionate for the protection of the welfare and safety of any informant or witness,

(v) otherwise in the public interest, and

(b) in line with any restrictions imposed on the disclosure of information during the course of the proceedings.

(12) The deputy chief constable may dispense with the requirement under paragraph (10) to publish the report where, having regard to the matters set out in paragraph (11), publication would be inappropriate in the particular circumstances of the case.

(13) Information that has already lawfully been published during the course of the misconduct proceedings may not be withheld, redacted or anonymised for the purposes of publication under this regulation.

(14) Where the deputy chief constable is required to publish the report under paragraph (10), the deputy chief constable must do so—

(a) as soon as reasonably practicable after the constable is notified under paragraph (7), and

(b) on the Police Service of Scotland website for a period of 28 days.".

Accelerated misconduct hearings

22. After Part 3 (misconduct proceedings), insert—

“PART 3A

Accelerated misconduct hearings

General

23A. Any time period specified in this Part in relation to an accelerated misconduct hearing may be reduced by agreement between the deputy chief constable and the person appointed to conduct the accelerated misconduct hearing in accordance with regulation 23G(1).

Referral of case to accelerated misconduct hearing

23B.—(1) Subject to paragraph (2), after receipt of the investigator’s report under regulation 13(1), the deputy chief constable may at any time determine whether the special conditions specified in paragraph (4) are satisfied.

(2) Where the case is referred to a misconduct meeting or a misconduct hearing, the deputy chief constable must not make a determination under paragraph (1) on or after the date of the misconduct meeting or misconduct hearing.

(3) On receipt of a statement submitted by the investigator under regulation 13(4), the deputy chief constable must determine whether the special conditions are satisfied.

(4) The special conditions are that—

(a) there is sufficient evidence, in the form of written statements or other documents, to establish on the balance of probabilities that the conduct of the constable constitutes gross misconduct, and

(b) it is in the public interest for the constable to cease to hold office without delay.

(5) In a case where a misconduct hearing or an accelerated misconduct hearing has been suspended or postponed by virtue of regulation 9(1), as soon as practicable after—

(a) the appropriate prosecutor intimates to the deputy chief constable that criminal proceedings are not to be brought in respect of any matter mentioned in the misconduct allegation, or

(b) any criminal proceedings which have been brought have been concluded,

the deputy chief constable may make a determination, or in the case of an accelerated misconduct hearing must make a further determination, as to whether the special conditions are satisfied.

(6) Where the deputy chief constable determines that the special conditions are satisfied, unless the deputy chief constable considers that the circumstances are such as to make it inappropriate to do so, the deputy chief constable must certify the case as one where the special conditions are satisfied and refer it to an accelerated misconduct hearing.

(7) Where the deputy chief constable determines—

(a) that the special conditions are not satisfied, or

(b) that, although those conditions are satisfied, the circumstances are such as to make such certification inappropriate,

the deputy chief constable must, if the investigation was incomplete, return the case to the investigator to complete the investigation or, in any other case, proceed in accordance with regulation 14 and Part 3.

(8) Where the deputy chief constable is to proceed in accordance with regulation 14 and Part 3, regulation 14(1) must be read as if the words “Subject to regulation 23B, on receipt of the investigator’s report,” were omitted.

(9) In this regulation, “appropriate prosecutor” has the same meaning given to it in regulation 9.

Remission of case

23C.—(1) At any time after the case has been referred to an accelerated misconduct hearing but before the beginning of that hearing, the deputy chief constable may direct that the case be dealt with in accordance with regulation 14 and Part 3 if the deputy chief constable considers that the special conditions are no longer satisfied.

(2) Where a direction is made under paragraph (1), the constable must be notified before the end of 4 working days beginning with the date on which that direction is made and the deputy chief constable must proceed in accordance with regulation 14 and Part 3.

(3) Where the deputy chief constable is to proceed in accordance with regulation 14 and Part 3, regulation 14(1) must be read as if the words "Subject to regulation 23B, on receipt of the investigator's report," were omitted.

Notice of referral to accelerated misconduct hearing

23D.—(1) Where a case is certified under regulation 23B(6) as one where the special conditions are satisfied and referred to an accelerated misconduct hearing, the deputy chief constable must, unless paragraph (2) applies, as soon as practicable give the constable notice of these matters and must supply the constable with a copy of—

(a) the certificate issued under regulation 23B(6),

(b) any statement or written representations the constable may have made to the investigator during the course of the investigation,

(c) the investigator's report (together with any document attached to or referred to in that report as relates to the constable), and

(d) any other relevant document obtained during the course of the investigation.

(2) This paragraph applies where the deputy chief constable considers that preventing the disclosure of any document mentioned in paragraph (1) is—

(a) necessary to avoid prejudicing current or future criminal proceedings,

(b) necessary for the purpose of the prevention or detection of crime or the apprehension or prosecution of offenders,

(c) necessary for the purpose of the prevention or detection of misconduct by other constables or police staff,

(d) necessary and proportionate for the protection of the welfare and safety of any informant or witness, or

(e) otherwise in the public interest.

(3) Where any document is withheld by virtue of the application of paragraph (2), the deputy chief constable must, so far as is reasonably possible without prejudicing any of the matters mentioned in that paragraph, provide the constable with a summary of the content of that document.

(4) The notice given under paragraph (1) must—

(a) describe the conduct that is the subject matter of the case and how that conduct is alleged to amount to gross misconduct,

(b) notify the constable of the name of the person conducting the accelerated misconduct hearing,

(c) notify the constable of the effect of paragraphs (5) to (7) of regulation 23G,

(d) notify the constable of the effect of regulations 6 and 7,

(e) notify the constable of the right to seek advice from a staff association.

(5) For the purposes of paragraph (1), a notice is to be treated as having been given to the constable—

(a) if given to the constable in person, on the date on which it is given,

(b) if sent to the constable by email or by any other means of electronic communication, on the date on which it is sent,

(c) if left with a person at the constable's last known address, on the date on which it is left,

(d) if sent to the constable's last known address by first class post using a recorded delivery service or any other postal service which provides for recorded delivery the next working day, on the second working day after the date on which it is sent.

(6) Where a notice is required to be given to the constable under paragraph (1), it may instead be given to—

(a) a police representative chosen by the constable in accordance with regulation 6, or

(b) a legal representative acting for the constable in accordance with regulation 7,

and any such giving is to be treated for the purposes of this regulation (including paragraph (5)) as giving the notice to the constable.

Notice of accelerated misconduct hearing

23E. The deputy chief constable must specify a date for the accelerated misconduct hearing which must be not less than 10 and not more than 15 working days after the date on which notice is given under regulation 23D(1) and must as soon as practicable—

(a) notify the constable and the person conducting the accelerated misconduct hearing of the date, time and place of that hearing, and

(b) notify the constable of the effect of regulations 6 and 7 in relation to an accelerated misconduct hearing.

Procedure on receipt of notice

23F.—(1) Before the end of 8 working days beginning with the date on which the constable is notified in accordance with regulation 23D(1), the constable must give the deputy chief constable—

(a) written notice of whether or not they accept that their conduct amounts to gross misconduct,

(b) where they accept that their conduct amounts to gross misconduct, any written submission they wish to make in mitigation,

(c) where they do not accept that their conduct amounts to gross misconduct, written notice of—

(i) the allegations they dispute and their account of the relevant events, and

(ii) any arguments on points of law they wish to be considered by the person conducting the accelerated misconduct hearing,

(d) a copy of any document they intend to rely on at the accelerated misconduct hearing.

(2) If the constable does not provide the written notice required under paragraph (1)(a) to (d), the deputy chief constable may refer the misconduct allegation to an accelerated misconduct hearing notwithstanding the constable's failure to provide the written notice.

Appointment of person to conduct accelerated misconduct hearing

23G.—(1) Where a case is—

(a) certified under regulation 23B(6) as one where the special conditions are satisfied, and

(b) referred to an accelerated misconduct hearing,

the deputy chief constable must appoint another constable to conduct those proceedings.

(2) A constable appointed under paragraph (1)—

(a) must be of at least the rank of superintendent,

(b) must be of at least two ranks higher than the constable who is the subject of the misconduct allegation, and

(c) may appoint as an assessor—

(i) another constable of at least the rank of superintendent,

(ii) an advocate or a solicitor.

(3) An assessor appointed under paragraph (2) may provide the person conducting the accelerated misconduct hearing with such advice as that person requests, but may not otherwise participate in the proceedings.

(4) The deputy chief constable must not appoint to conduct the accelerated misconduct hearing any constable whose appointment could give rise to a reasonable concern as to whether that constable could act impartially in relation to those proceedings.

(5) The constable may object to the appointment of any person under this regulation.

(6) An objection under paragraph (5) must be made not later than 3 working days from receipt of the notice given under regulation 23D(1) and must indicate the constable's reasons for objecting.

(7) The deputy chief constable must decide whether to uphold an objection and must—

(a) notify the constable in writing of that decision, and

(b) if the objection is upheld—

(i) make a new appointment in accordance with this regulation, and

(ii) notify the constable in writing of the name of the individual appointed.

Documents to be supplied

23H. Prior to the accelerated misconduct hearing the deputy chief constable must supply the person conducting the accelerated misconduct hearing with a copy of—

(a) the notice given to the constable under regulation 23D(1),

(b) the other documents given to the constable under regulation 23D(1), and

(c) the documents provided by the constable under regulation 23F(1).

Procedure at accelerated misconduct hearing

23I.—(1) Subject to the following paragraphs of this regulation and regulation 23K, the person conducting the accelerated misconduct hearing is to determine the procedure at the accelerated misconduct hearing.

(2) At the beginning of the accelerated misconduct hearing, the person conducting the accelerated misconduct hearing must give the constable the opportunity to say whether or not the constable accepts that the constable's conduct amounts to gross misconduct.

(3) Subject to regulation 23K(2), no witnesses other than the constable may give evidence at the accelerated misconduct hearing and the person conducting the accelerated misconduct hearing must determine whether and by whom the constable can be questioned.

(4) An audio recording may be made of the accelerated misconduct hearing 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 hearing.

(5) Where no audio recording is made under paragraph (4), a written record of the accelerated misconduct hearing must be prepared and—

(a) the person conducting the accelerated misconduct hearing 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 accelerated misconduct hearing must consider any representations made,

(d) having considered those representations, if any, the person conducting the accelerated misconduct hearing must send the final written record of the accelerated misconduct hearing to the constable.

Proceedings in constable's absence

23J.—(1) Where the constable informs the person conducting the accelerated misconduct hearing that the constable is unable to attend the accelerated misconduct hearing on grounds which the person conducting the accelerated misconduct hearing considers to be reasonable, including the constable's welfare, the person conducting the accelerated misconduct hearing may permit the constable to participate in the proceedings by live television link or other suitable remote means.

(2) Paragraph (3) applies where the constable—

(a) participates in the accelerated misconduct hearing in accordance with paragraph (1), or

(b) otherwise does not attend that hearing.

(3) Where this paragraph applies—

(a) the constable may be represented at the accelerated misconduct hearing by an advocate or a solicitor,

(b) the hearing may proceed and conclude in the constable's absence, whether or not the constable is so represented.

Attendance of third parties

23K.—(1) Subject to the following paragraphs of this regulation, the accelerated misconduct hearing is to be held in private.

(2) The investigator, or suitable replacement with sufficient knowledge of the investigation to be able to answer questions, must attend the accelerated misconduct hearing at the request of the person conducting the accelerated misconduct hearing to answer questions.

(3) Where the accelerated misconduct hearing has arisen from a complaint made by a member of the public, a constable, a member of the Authority's staff or a member of police staff, the person conducting the accelerated misconduct hearing must—

(a) inform the person who made the complaint of the date, time and location of the proceedings, and

(b) permit the person who made the complaint to attend, as an observer, those proceedings, or such part or parts of those proceedings as the person conducting them considers appropriate.

(4) The person conducting the accelerated misconduct hearing may, with the agreement of the constable, allow any other person to attend the accelerated misconduct hearing.

(5) Paragraphs (3) and (4) do not apply to any part of the accelerated misconduct hearing at which the determination and disciplinary action (if any) under regulation 23L is being considered.

Determination and disciplinary action

23L.—(1) At the conclusion of the accelerated misconduct hearing, the person conducting the accelerated misconduct hearing must—

(a) determine whether the conduct which is the subject matter of the misconduct allegation is the conduct of the constable,

(b) determine whether it is established that any conduct of the constable amounts to gross misconduct.

(2) A determination under paragraph (1) is to be made on the balance of probabilities.

(3) Where the person conducting the accelerated misconduct hearing has determined that the conduct of the constable does not amount to gross misconduct, the person conducting the accelerated misconduct hearing may—

(a) dismiss the case, or

(b) return the case to be dealt with in accordance with regulation 14 and Part 3.

(4) Where the person conducting the accelerated misconduct hearing has determined that the conduct of the constable amounts to gross misconduct, they must impose disciplinary action which, subject to the provisions of this regulation, may be—

(a) a final written warning,

(b) demotion in rank,

(c) dismissal with notice, or

(d) dismissal without notice.

(5) Where, on the date of the determination under regulation 23L(1)(b), the constable was subject to a final written warning which was in effect, a final written warning may not be given.

(6) A final written warning remains in effect for a period of 2 years from the date on which it is given.

(7) Where a final written warning is given under paragraph (4)(a), the period in paragraph (6) may be extended by a person conducting any subsequent accelerated misconduct hearing to a maximum period of 5 years.

Notification of outcome and publication

23M.—(1) The person conducting the accelerated misconduct hearing must, as soon as reasonably practicable and not later than 10 working days from the date of conclusion of the accelerated misconduct hearing, submit a report to the deputy chief constable setting out—

(a) the determination under regulation 23L(1),

(b) the reasons for the determination,

(c) any disciplinary action imposed, and

(d) where it was determined that the conduct of the constable amounted to gross misconduct but the disciplinary action imposed was not dismissal without notice, the reasons for that decision.

(2) The report submitted to the deputy chief constable under paragraph (1) must be the full report and information must not be withheld, redacted or anonymised.

(3) Before disclosing the report to any other person or publishing it, the deputy chief constable must, having regard to paragraph (5), consider, separately in relation to—

(a) disclosure to the constable,

(b) disclosure to any person under paragraph (8), and

(c) publication under paragraph (10),

whether any information contained in the report should be withheld, redacted or anonymised.

(4) Where the deputy chief constable determines that information should be withheld, redacted or anonymised for any purpose specified in paragraph (3), the deputy chief constable must—

(a) record the reasons for that determination, including the category of disclosure to which it applies,

(b) ensure that the appropriate version of the report is prepared and used for that purpose.

(5) In considering the matters mentioned in paragraph (3), the deputy chief constable may produce different versions of the report where the deputy chief constable considers this necessary and proportionate, having regard to—

(a) the nature of the information concerned,

(b) the purpose of the disclosure,

(c) the rights and interests of any data subject.

(6) A report submitted to the deputy chief constable under paragraph (1) must—

(a) in a case where a final written warning is given, explain the effect of regulation 23L(5), (6) and (7) in relation to the allegation and any future misconduct allegation,

(b) in a case where it is determined that any conduct of the constable amounts to gross misconduct, give notice of—

(i) the constable's right to appeal under regulation 24, and

(ii) the name of the person to whom an appeal should be submitted.

(7) As soon as practicable after receiving the report, the deputy chief constable must notify the constable of the outcome of the accelerated misconduct hearing by providing a copy of the report, subject to such withholding, redaction or anonymisation as the deputy chief constable considers necessary in accordance with paragraph (3)(a).

(8) Where the accelerated misconduct hearing arose from a complaint made by a member of the public, a constable, a member of the Authority's staff or a member of police staff, the deputy chief constable must provide a copy of the report to the person who made the complaint, subject to such withholding, redaction or anonymisation as the deputy chief constable considers necessary in accordance with paragraph (3)(b).

(9) In determining what information may be withheld, redacted or anonymised for the purposes of paragraph (8), the deputy chief constable must have particular regard to whether the information—

(a) comprises personal data relating to the constable or any other individual which is not necessary to enable the recipient to understand the outcome and reasons for it, or

(b) relates to private or personal circumstances which do not materially affect the determination or disciplinary outcome.

(10) Subject to paragraph (12), the deputy chief constable must publish a version of the report.

(11) In relation to publication, the deputy chief constable may only withhold, redact or anonymise information in the report—

(a) insofar as the deputy chief constable considers this is—

(i) necessary for the purpose of preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, criminal proceedings,

(ii) necessary for the purpose of the prevention or detection of crime, or the apprehension or prosecution of offenders,

(iii) necessary for the purpose of the prevention or detection of misconduct by other constables or police staff,

(iv) necessary and proportionate for the protection of the welfare and safety of any informant or witness,

(v) otherwise in the public interest, and

(b) in line with any restrictions imposed on the disclosure of information during the course of the proceedings.

(12) The deputy chief constable may dispense with the requirement under paragraph (10) to publish the report where, having regard to the matters set out in paragraph (11), publication would be inappropriate in the particular circumstances of the case.

(13) Information that has already lawfully been published during the course of the accelerated misconduct hearing may not be withheld, redacted or anonymised for the purposes of publication under this regulation.

(14) Where the deputy chief constable is required to publish the report under paragraph (10), the deputy chief constable must do so—

(a) as soon as practicable after the constable is notified under paragraph (7), and

(b) on the Police Service of Scotland website for a period of 28 days.

Appeals in relation to accelerated misconduct hearings

23N.—(1) A constable may appeal a determination or disciplinary action imposed under regulation 23L in accordance with regulation 24 (appeals).

(2) Regulations 24, 25, 26 and 27 apply in relation to an appeal under this Part as they apply in relation to an appeal arising from misconduct proceedings under Part 3, subject to the modifications in paragraphs (3) to (6).

(3) Any reference in regulations 24, 25, 26 or 27 to—

(a) "misconduct proceedings" is to read as a reference to an accelerated misconduct hearing,

(b) "the constable who conducted the misconduct proceedings" is to be read as a reference to the person who conducted the accelerated misconduct hearing.

(4) For the purposes of regulation 25(4)—

(a) references to "the audio or written record of the misconduct hearing" are to be read as a reference to the audio or written record prepared under regulation 23I, and

(b) references to "any notices, submissions or other documents or information provided by the deputy chief constable or the constable in accordance with regulation 15" are to be read as references to—

(i) any notice or document provided under regulations 23D, 23F or 23H, and

(ii) any written record or audio recording prepared under regulation 23I.

(5) Where regulation 26(1)(f) applies in relation to an appeal arising from an accelerated misconduct hearing, any remittal is to be taken as a remittal to the person who conducted the accelerated misconduct hearing, who must deal with the matter in accordance with regulations 23I to 23L, subject to any directions given on appeal.

(6) For the avoidance of doubt, any appeal held under regulation 25 in relation to an accelerated misconduct hearing is to be conducted in accordance with regulation 25(8).".

PART 3

Consequential, transitional and saving provisions

Consequential amendments

23. Schedule 1 makes consequential amendments.

Revocation, transitional and saving provisions

24. Schedule 2 makes revocation, transitional and saving provisions.

NEIL GRAY
A member of the Scottish Government

St Andrew's House,
Edinburgh
29th September 2026

SCHEDULE 1

Regulation 23

Consequential amendments

Amendment of the Special Constables Regulations

1.—(1) The Special Constables Regulations(**a**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of "the 2012 Act", insert—

""Conduct Regulations" means the Police Service of Scotland (Conduct) Regulations 2014 and the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013,",

(b) omit the definition of "inquiry officer",

(c) omit the definition of "misconduct",

(d) omit the definition of "misconduct officer",

(e) omit the definition of "nominated officer".

(3) In regulation 7 (personal records)—

(a) for paragraph (3), substitute—

"(3) The chief constable must expunge from the personal record of a special constable any record of a disposal made under the Conduct Regulations where, for a period of 3 years beginning with the date of that disposal, the special constable has not received any further disciplinary sanction other than a single written warning.",

(b) omit paragraph (7).

Amendment of the First-tier Tribunal for Scotland General Regulatory Chamber (Police Appeals) (Procedure) Regulations 2025

2.—(1) The rules in the schedule of the First-tier Tribunal for Scotland General Regulatory Chamber (Police Appeals) (Procedure) Regulations 2025(**b**) are amended as follows.

(2) In rule 6(3)(b) (notice of appeal), in head (i), for "regulation 23(1)", substitute "regulation 23(1) or, as the case may be, regulation 23M(1)",

(3) In rule 7(2) (reply by respondent), after sub-paragraph (b), insert—

"(ba) where the disputed decision was made following an accelerated misconduct hearing under Part 3A of the 2014 Conduct Regulations, a certified copy of—

(i) the notice given under regulation 23D(1) (notice of referral to accelerated misconduct hearing),

(ii) the audio recording made under regulation 23I(4) or, as the case may be, the written record sent under regulation 23I(5), and

(iii) the notice of outcome sent under regulation 23M(7),".

(**a**) S.S.I. 2013/43 as amended by S.S.I. 2013/122, S.S.I. 2013/125 and S.I. 2019/745.
(**b**) S.S.I. 2025/384 as amended by S.S.I. 2026/34 and S.S.I. 2026/46.

SCHEDULE 2

Regulation 24

Revocation, transitional and saving provisions

Revocation, transitional and saving provisions

1.—(1) Subject to paragraph (2), Part 4 and schedule 2 of the Special Constables Regulations(**a**) are revoked.

(2) Part 4 and schedule 2 of the Special Constables Regulations continue to have effect on and after 26 November 2026 as they had effect immediately before that date, in cases where—

(a) it can reasonably be inferred from a report, allegation or complaint made before 26 November 2026 that any conduct of a special constable to whom those Regulations applied may amount to misconduct and any proceedings under those Regulations in relation to that report, allegation or complaint have not been concluded before that date,

(b) it can reasonably be inferred from a report, allegation or complaint made on or after 26 November 2026 that any conduct of a special constable to whom those Regulations applied occurring before that date may amount to misconduct.

(3) In paragraph (2), "misconduct" has the meaning given by regulation 2 and schedule 2 of the Special Constables Regulations as they had effect immediately before 26 November 2026.

(4) Despite the amendments made to the Special Constables Regulations by schedule 1 of these Regulations, the Special Constables Regulations continue to have effect on and after 26 November 2026 as they had effect immediately before that date, in cases where—

(a) it can reasonably be inferred from a report, allegation or complaint made before 26 November 2026 that any conduct of a special constable to whom those Regulations applied may amount to misconduct and any proceedings under those Regulations in relation to that report, allegation or complaint have not been concluded before that date,

(b) it can reasonably be inferred from a report, allegation or complaint made on or after 26 November 2026 that any conduct of a special constable to whom those Regulations applied occurring before that date may amount to misconduct.

(5) In paragraph (4), "misconduct" has the meaning given by regulation 2 and schedule 2 of the Special Constables Regulations as they had effect immediately before 26 November 2026.

2.—(1) In the Police Service of Scotland (Vetting) Regulations 2026(**b**)—

(a) regulation 2 (interpretation) the definition for "the Special Constables Regulations",

(b) regulation 13(4)(c) (conduct or performance proceedings), and

(c) regulation 15(4)(b) (preliminary assessment),

are revoked.

(2) Regulation 2, regulation 13(4)(c) and regulation 15(4)(b) continue to have effect on and after 26 November 2026 as they had effect immediately before that date, in cases where—

(a) it can reasonably be inferred from a report, allegation or complaint made before 26 November 2026 that any conduct of a special constable to whom the Special Constables Regulations applied may amount to misconduct and any proceedings under those Regulations in relation to that report, allegation or complaint have not been concluded before that date,

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(**a**) S.S.I. 2013/43 as amended by S.S.I. 2013/122, S.S.I. 2013/125, S.I. 2019/745 and these Regulations.
(**b**) S.S.I. 2026/46.

(b) it can reasonably be inferred from a report, allegation or complaint made on or after 26 November 2026 that any conduct of a special constable to whom the Special Constables Regulations applied occurring before that date may amount to misconduct.

(3) In paragraph (2), "misconduct" has the meaning given by regulation 2 and schedule 2 of the Special Constables Regulations as they had effect immediately before 26 November 2026.

Transitional and saving provisions

3.—(1) Despite the amendments made by these Regulations, the 2014 Conduct Regulations(**a**) continue to have effect on and after 26 November 2026 as they had effect immediately before that date, in cases where—

(a) it can reasonably be inferred from a report, allegation or complaint made before 26 November 2026 that any conduct of a constable to whom those Regulations applied may amount to misconduct and any proceedings under those Regulations in relation to that report, allegation or complaint have not been concluded before that date,

(b) it can reasonably be inferred from a report, allegation or complaint made on or after 26 November 2026 that any conduct of a constable to whom those Regulations applied occurring before that date may amount to misconduct.

(2) In paragraph (1), "misconduct" has the meaning given by regulation 2 and schedule 1 of the 2014 Regulations as they had effect immediately before 26 November 2026.

(**a**) S.S.I. 2014/68 as amended by section 3(5) of the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025 (asp 5) and S.S.I. 2025/378.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Service of Scotland (Conduct) Regulations 2014 ("the 2014 Conduct Regulations"), which make provision for the procedures to be followed where the conduct of a constable of the Police Service of Scotland is alleged to amount to misconduct or gross misconduct.

Regulation 4 amends the interpretation provisions in regulation 2 of the 2014 Conduct Regulations by inserting, modifying and substituting a number of defined terms, including insertion of new definitions relating to accelerated misconduct hearings, misconduct pre-hearings, a presenting officer, the First-tier Tribunal and trauma-informed practice. Regulation 5 amends regulation 3 so that, from 26 November 2026, the 2014 Conduct Regulations apply to the conduct of special constables.

Regulations 6 and 7 amend regulations 6 and 7 of the 2014 Conduct Regulations to prevent a police representative or a legal representative answering questions on behalf of the constable, and to extend the right to legal representation to misconduct pre-hearings, accelerated misconduct hearings and appeal hearings where the appeal relates to the outcome of a misconduct hearing or an accelerated misconduct hearing.

Regulation 8 amends regulation 8 of the 2014 Conduct Regulations to substitute the suspension conditions, require consideration of temporary redeployment as an alternative to suspension and update the ranks of those who may carry out suspension reviews.

Regulation 9 inserts new regulations 10A to 10D to provide for joint investigations where allegations concern both a constable and a senior officer. These provisions require the deputy chief constable and the Police Investigations and Review Commissioner to prepare a joint investigation strategy, regulate joint interviews of witnesses and make provision about information-sharing while preserving the separate statutory functions of each investigator.

Regulation 10 amends regulation 11 of the 2014 Conduct Regulations to require a further notice of investigation where the investigator's assessment of either the seriousness of the conduct or the conduct forming the subject matter of the misconduct allegation changes. Regulation 11 amends regulation 13 of the 2014 Conduct Regulations to require the investigator to submit an early report where the investigator believes the special conditions for an accelerated misconduct hearing may be satisfied, or where new evidence suggests that the conduct would not amount to misconduct or gross misconduct. In such cases the deputy chief constable must reassess the matter and either, where appropriate, bring the investigation to an end, or, where special conditions are satisfied, certify the case and refer it to an accelerated misconduct hearing in accordance with new regulation 23B.

Regulation 12 amends regulation 14 of the 2014 Conduct Regulations to make referral to misconduct proceedings subject to the new accelerated misconduct procedure in regulation 23B. Regulation 13 inserts new regulation 14A into the 2014 Conduct Regulations and requires the deputy chief constable to notify certain complainants where a misconduct allegation is determined to involve no case to answer, setting out the outcome and reasons, subject to limited exceptions permitting information to be withheld or restricted in the public interest.

Regulation 14 amends regulation 15 of the 2014 Conduct Regulations to expand the documents that must be provided to the constable, including audio recordings and written records of interviews, to replace references to the deputy chief constable with the presenting officer, to remove the requirements to provide summaries of witness evidence, and to clarify the test for disclosure of other material gathered during the investigation. It also provides for rules on deemed receipt of misconduct forms and enables the referral to proceedings despite a constable's failure to provide written notice in response to the misconduct form.

Regulation 15 inserts new regulations 16A to 16C into the 2014 Conduct Regulations to make provision for misconduct pre-hearings, for the management of proceedings by the person

conducting them, including time limits for commencement, and for the appointment of a presenting officer with appropriate skills.

Regulation 16 amends regulation 17 of the 2014 Conduct Regulations to allow measures that support the effective participation of witnesses, including remote evidence, the use of screens, a supporter or giving evidence in private, where this can be done without prejudicing the fairness of proceedings.

Regulation 17 amends regulation 18 of the 2014 Conduct Regulations to update the procedure at misconduct proceedings to account for the presenting officer and to permit written statements where their use would not prejudice fairness. Regulation 18 amends regulation 19 of the 2014 Conduct Regulations to allow participation of the constable in proceedings via live television link or other suitable remote means on reasonable grounds, including the constable's welfare. Regulation 19 amends regulation 20 of the 2014 Conduct Regulations to require the investigator, or suitable replacement, to attend if requested, and to allow complainants or witnesses to attend as observers except where inappropriate.

Regulation 20 amends regulation 22 of the 2014 Conduct Regulations to remove verbal warnings, to revise the periods for which written and final written warnings remain in effect, and to provide for the period of a final written warning to be extended up to a maximum of five years. Regulation 21 substitutes regulation 23 of the 2014 Conduct Regulations to require publication of the written report of the outcome of misconduct proceedings on the Police Service of Scotland website, subject to limited grounds for redaction or non-publication.

Regulation 22 inserts a new Part 3A (regulations 23A to 23M) into the 2014 Conduct Regulations, establishing accelerated misconduct hearings. These regulations make provision for certification of cases where special conditions are met, for the giving of notice, for the conduct of the hearing, for the disciplinary actions available, including dismissal without notice, and for publication of the report prepared in relation to the accelerated misconduct hearing. New Regulation 23N makes provision for appeals against determinations and disciplinary action imposed following an accelerated misconduct hearing by applying, with modifications, the appeal procedures in regulations 24 to 27.

Schedule 1 makes consequential amendments to the Police Service of Scotland (Special Constables) Regulations 2013 and the First-tier Tribunal for Scotland General Regulatory Chamber (Police Appeals) (Procedure) Regulations 2025. Schedule 2 makes revocation, transitional and saving provisions to ensure that cases relating to conduct occurring before 26 November 2026 continue to be dealt with under the legislation in force immediately before that date.

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