SCOTTISH STATUTORY INSTRUMENTS

2026 No. 46

POLICE

The Police Service of Scotland (Vetting) Regulations 2026

Made - - - -	*29th January 2026*
Laid before the Scottish Parliament	*2nd February 2026*
Coming into force - -	*1st April 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) and have considered any representations made.

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Police Service of Scotland (Vetting) Regulations 2026 and come into force on 1 April 2026.

Interpretation

2. In these Regulations—

"the 2012 Act" means the Police and Fire Reform (Scotland) Act 2012,

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

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

"appeal meeting" means a meeting held in accordance with regulation 28,

"assessor" means the force vetting manager or a person appointed under regulation 16,

(**a**) 2012 asp 8 ("the 2012 Act"). Sections 50A and 55 of the 2012 Act specify matters which regulations under section 48 of that Act must provide for or may include. Section 50A was inserted by section 5(2) of the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2025 (asp 5) ("the 2025 Act"). Section 55 of the 2012 Act allows regulations under section 48 to provide for sub-delegation.

(**b**) S.S.I. 2013/62 as amended by section 3(4) of the 2025 Act, S.S.I. 2014/68, S.S.I. 2020/453 and S.S.I. 2025/378.

(**c**) S.S.I. 2014/68 as amended by section 3(5) of the 2025 Act and S.S.I. 2025/378.

"audio recording" means a recording made on any device on which sounds are recorded so as to be capable of being reproduced,

"the Conduct Regulations" means the 2013 Regulations, the 2014 Regulations, and Part 4 of the Special Constables Regulations,

"constable concerned" means the constable whose vetting clearance is being considered in the withdrawal assessment or the appeal process under these Regulations,

"disclosure risk test" is the test set out in regulation 8(2),

"downgrade" means the withdrawal of a higher level of vetting clearance, where the constable still retains some lower level vetting clearance,

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

"interested party" means a person whose appointment could reasonably give rise to a concern as to whether the person could act impartially under these Regulations,

"line manager" means the constable or police staff member who has immediate supervisory responsibility for the constable concerned,

"the Performance Regulations" means the Police Service of Scotland (Performance) Regulations 2014(**a**) and the Police Service of Scotland (Senior Officers) (Performance) Regulations 2016(**b**),

"police representative" means an individual chosen by the constable in accordance with regulation 9,

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

"vetting" has the meaning given in section 50A(3) of the 2012 Act,

"vetting clearance" means the level of clearance required to hold the office of constable, or to hold a particular rank or role,

"withdrawal assessment" is an assessment, following the discovery of information that raises concerns about the suitability of the constable concerned to maintain vetting clearance, the purpose being to gather the facts and circumstances of the matter and to decide whether vetting clearance should be withdrawn,

"working day" means any day other than—

(a) a Saturday or a Sunday,

(b) a day which is a bank holiday in Scotland within the meaning given by paragraph 2 of schedule 1 of the Banking and Financial Dealings Act 1971(**d**), or

(c) a day which is a public holiday in Scotland.

Application

3.—(1) These Regulations apply to all constables.

(2) These Regulations apply to vetting on or after 1 April 2026.

(3) The chief constable, the deputy chief constable, the Authority or any other person with functions under these Regulations, is not prevented from considering a matter under these Regulations by virtue of the fact that the matter has been considered or determined under the Conduct Regulations or the Performance Regulations.

(**a**) S.S.I. 2014/67, as amended by S.S.I. 2025/378.
(**b**) S.S.I. 2016/51, as amended by S.S.I. 2020/453 and S.S.I. 2025/378.
(**c**) S.S.I. 2013/43.
(**d**) 1971 c. 80, as relevantly amended by section 1 of the St Andrew's Day Bank Holiday (Scotland) Act 2007 (asp 2).

PART 2

Vetting clearance

Constables' duty to hold and maintain vetting clearance

4.—(1) A constable must—

(a) hold and maintain vetting clearance, and

(b) promptly notify the chief constable of any change in their personal circumstances or any other matter which may reasonably affect their suitability to hold vetting clearance.

(2) A constable has a duty to give appropriate co-operation with the vetting processes set out in these Regulations.

Chief constable's duty to re-assess the vetting clearance of constables

5.—(1) The chief constable must ensure that vetting of each constable is carried out at intervals of not more than 10 years.

(2) Where the constable has been appointed as a constable for—

(a) less than 10 years, the first 10 year period under paragraph (1) begins from the date of the constable's vetting for their appointment to the Police Service,

(b) more than 10 years, vetting must be carried out as soon as practicable after these Regulations come into force, with the 10 year period under paragraph (1) starting from the date of that vetting.

(3) The chief constable may require a constable to undergo vetting at any time, if a reason to do so arises.

(4) The chief constable may determine a different interval between vetting from that set out in paragraph (1) for constables in particular roles or ranks, provided these do not exceed the maximum period set out in that paragraph.

Termination of vetting clearance

6. A constable's vetting clearance must be terminated if they cease to be a constable.

Delegation

7.—(1) The chief constable must designate a deputy chief constable to exercise functions on behalf of the chief constable under these Regulations (and references in these Regulations to the "deputy chief constable" are, unless the context otherwise requires, references to that individual).

(2) The deputy chief constable may direct or authorise a constable or member of police staff to carry out any of the deputy chief constable's functions under these Regulations, with the exception of their functions in this regulation, or regulation 14.

(3) Where the deputy chief constable delegates the carrying out of any of their functions to another constable or to a member of police staff, that constable or member of staff must have the appropriate level of knowledge, skills and experience to carry out that function.

(4) A direction or authorisation under paragraph (2) does not affect the deputy chief constable's—

(a) responsibility for the carrying out of delegated functions, or

(b) ability to carry out delegated functions.

PART 3

Withdrawal assessments: general

The disclosure risk test

8.—(1) This regulation applies to information in documents which are stated to be subject to the disclosure risk test under these Regulations.

(2) Where a document is stated to be subject to the disclosure risk test, information in that document must not be disclosed to the constable concerned in so far as the chief constable, the deputy chief constable, the Authority, the assessor or any other person performing functions under these Regulations considers that preventing disclosure to the constable concerned is—

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

(b) necessary to avoid the premature or inappropriate disclosure of information that is relevant to, or may be used in, any misconduct proceedings under the Conduct Regulations,

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

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

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

(f) otherwise necessary in the public interest.

(3) Where any document or information is withheld by virtue of paragraph (2), the person who withholds the document or information must, so far as reasonably possible without prejudicing any of the matters mentioned in that paragraph, provide the constable concerned with a summary of the content of the document or information.

(4) In this regulation, "informant" means a person who provides information as part of a withdrawal assessment on the basis that the person's identity is not disclosed.

Police representative

9.—(1) The constable concerned may choose a person mentioned in paragraph (2) to act as their police representative in any processes under Parts 3, 4 and 5 of these Regulations.

(2) The persons are—

(a) in a case where the constable concerned is a senior officer, another constable, or any person representing the interests of senior officers,

(b) in a case where the constable concerned is of the rank of superintendent or chief superintendent, another constable or any person representing the interests of superintendents (including chief superintendents),

(c) in any other case, another constable or a representative of the Police Federation for Scotland.

(3) But the constable concerned may not choose as a police representative any person who is—

(a) undergoing a withdrawal assessment or appeal, or

(b) who is or has been subject to investigations into or proceedings regarding their conduct,

for reasons related to the same circumstances as the constable concerned's withdrawal assessment.

(4) A police representative may—

(a) advise the constable concerned throughout any proceedings under these Regulations,

(b) accompany the constable concerned to any interview or appeal meeting which the constable attends under these Regulations,

(c) unless the constable concerned is legally represented, make representations on their behalf concerning any aspect of the withdrawal assessment, with the exception of answering questions on behalf of the constable concerned at an interview arranged under these Regulations at which the constable concerned is present, and

(d) make representations to the decision maker as specified by these Regulations, deputy chief constable or the Authority, as appropriate, concerning any aspect of proceedings under these Regulations.

(5) The chief constable must permit any constable acting as a police representative under these Regulations to use a reasonable amount of duty time for the purposes of performing the functions mentioned in paragraph (4).

Legal representation

10.—(1) The constable concerned is, in accordance with this regulation, entitled to be legally represented by a solicitor or advocate of their choice at an—

(a) interview, and

(b) appeal meeting.

(2) If the constable concerned intends to be legally represented, the constable concerned must notify the person conducting the interview or appeal meeting of that intention not less than 5 working days before the date of the interview or appeal meeting.

(3) If the constable concerned does not make a notification under paragraph (2), the constable concerned—

(a) is not entitled to be legally represented, and

(b) may have their vetting clearance withdrawn or downgraded, or may be dismissed, demoted, or have conditions placed on their vetting, without being so represented.

(4) The deputy chief constable may appoint a solicitor or advocate to advise a person or panel appointed under regulation 26 to consider an appeal.

(5) A person appointed under paragraph (4) must not be an interested party.

Provision of notices or documents

11.—(1) Subject to paragraph (2), where any written notice or document is to be given to the constable concerned under these Regulations, it must be—

(a) given to the constable in person,

(b) sent to the constable by e-mail or other means of electronic communication, or

(c) given to the constable in any other manner agreed between the person who is required to give the notice or document and the constable.

(2) Where it is not reasonably practicable to give or supply a written notice or document to the constable concerned under paragraph (1)(a) or (b) and there is no agreement under paragraph (1)(c), the written notice or document must be—

(a) left with a person at the constable's last known address, or

(b) sent to the constable's last known address by first class post by recorded delivery or other service which provides for delivery the next working day ("by post").

(3) Where a written notice or document is sent by e-mail or other means of electronic communication, it is to be taken to have been given to the constable concerned—

(a) if the email or other electronic transmission is sent on a working day before 4.30 p.m., on that day, or

(b) in any other case, on the next working day after the day on which it was sent.

(4) Where a written notice or document is sent by post, it is to be taken to have been given to the constable concerned on the second working day after the day on which it was posted, left with, delivered to or collected by the relevant service provider.

Alleged offences

12.—(1) If, in the course of carrying out any processes under these Regulations, the deputy chief constable considers that it can reasonably be inferred that the constable concerned may have committed a criminal offence, the deputy chief constable—

(a) must refer the matter to the appropriate prosecutor, and

(b) may suspend or postpone the withdrawal assessment or appeal process under these Regulations until the appropriate prosecutor intimates that—

(i) criminal proceedings are not to be brought in respect of any matter mentioned in the withdrawal assessment or appeal process, or

(ii) any criminal proceedings which have been brought have been concluded.

(2) If the withdrawal assessment or appeal process is suspended or postponed under paragraph (1)(b), the deputy chief constable must inform the constable concerned that—

(a) the withdrawal assessment or appeal process has been suspended or postponed, and

(b) it may resume whether or not criminal proceedings are brought against the constable and regardless of the outcome of those proceedings.

(3) In this regulation, "appropriate prosecutor" means—

(a) where the offence is alleged to have been committed in Scotland, the procurator fiscal, or

(b) where the offence is alleged to have been committed in any other part of the United Kingdom, Channel Islands or Isle of Man the person who—

(i) has responsibility for deciding whether to institute criminal proceedings in that place, or

(ii) has instituted such proceedings in relation to the offence.

Conduct or performance proceedings

13.—(1) Before a matter may be subject to a withdrawal assessment, the deputy chief constable must decide if paragraph (3) applies.

(2) For any period during which the deputy chief constable considers that paragraph (3) applies, no withdrawal assessment may take place.

(3) This paragraph applies where the withdrawal assessment would relate to a matter which is to be or may be dealt with under—

(a) the Conduct Regulations, or

(b) the Performance Regulations.

(4) When making a decision under paragraph (1), the deputy chief constable must consult—

(a) where the constable concerned is a senior officer, the person who has functions under regulation 8 of the 2013 Regulations,

(b) where the constable concerned is not a senior officer, the deputy chief constable designated under regulation 5 of the 2014 Regulations, if that deputy chief constable is a different person from the deputy chief constable holding responsibility under these Regulations,

(c) where the constable concerned is a special constable, the deputy chief constable who has functions under regulation 12 of the Special Constables Regulations, if that deputy chief constable is a different person from the deputy chief constable holding responsibility under these Regulations,

(d) the line manager of the constable concerned.

(5) Where the deputy chief constable is considering more than one matter in relation to the same constable, paragraph (2) does not prevent a withdrawal assessment from taking place to the extent that the deputy chief constable considers paragraph (3) does not apply.

Suspension

14.—(1) A suspension decision is a decision made under paragraph (5) of this regulation.

(2) If the constable concerned is the chief constable, the decision maker of the suspension decision is the Authority.

(3) If the constable concerned is a senior officer other than the chief constable, the decision maker of the suspension decision must be the chief constable.

(4) If the constable concerned is not a senior officer, the decision maker of the suspension decision must be the deputy chief constable, another deputy chief constable or an assistant chief constable.

(5) The decision maker may suspend a constable who is the subject of a withdrawal assessment under Part 4 of these Regulations or internal appeal process under Part 5 of these Regulations from the office of constable where the following conditions are satisfied—

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

(b) it appears to the decision maker that at least one of the following applies—

(i) the withdrawal assessment or appeal process may be prejudiced unless the constable concerned is suspended,

(ii) having regard to the nature of the matter of concern and any other relevant considerations, the public interest requires that the constable concerned should be suspended.

(6) If the constable concerned is currently the subject of a withdrawal assessment, the date from which they may first be suspended under this regulation is the date on which they received the notice under regulation 18.

(7) Subject to regulations 16 and 29 of and schedule 2 of the Police Service of Scotland Regulations 2013(**a**), a suspension under this regulation must be with pay.

(8) The decision maker must notify the suspended constable in writing of any decision to suspend the constable and the reasons for that decision.

(9) If the decision maker in paragraph (8) is the Authority, the Authority must provide a notification containing the same information to the deputy chief constable.

(10) A suspension under this regulation—

(a) has effect from the date of the written notice given under paragraph (8), and

(b) must be reviewed by the decision maker—

(i) not more than 4 weeks from that date,

(ii) not more than 4 weeks from the date of the previous review (if any),

(iii) if the decision maker is notified that circumstances relevant to the suspension conditions may have changed.

(11) In carrying out a review in accordance with paragraph (10)(b), the decision maker must consider any representations made by the suspended constable, their legal representative or their police representative.

(12) The decision maker may terminate a suspension imposed under paragraph (5) with effect either from the date of the suspension or any other date and must do so if—

(a) the decision maker determines that the suspension conditions are no longer satisfied,

(b) a decision is taken not to proceed with a withdrawal assessment under these Regulations, or

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(**a**) S.S.I. 2013/35.

(c) subject to paragraph (13), all assessments and appeal processes under these Regulations have concluded.

(13) If a constable who is suspended is dismissed with notice, that suspension is to subsist until the end of the notice period.

PART 4

Withdrawal assessments: procedure

Preliminary assessment

15.—(1) This regulation applies where a matter of concern is discovered during vetting.

(2) The deputy chief constable must assess whether that matter could reasonably lead to vetting clearance being withdrawn (the "preliminary assessment").

(3) Where the deputy chief constable assesses that the matter could not reasonably lead to vetting clearance being withdrawn, they must assess whether—

(a) the matter should be referred to be dealt with under—

(i) the Conduct Regulations,

(ii) the Performance Regulations, or

(b) they should take no further action.

(4) Before making an assessment on whether a matter should be referred to be dealt with under the Conduct Regulations, the deputy chief constable must consult—

(a) where the constable concerned is not a senior officer, the deputy chief constable designated under regulation 5 of the 2014 Regulations, if that deputy chief constable is a different person from the deputy chief constable holding responsibility under these Regulations,

(b) where the constable concerned is a special constable, the deputy chief constable with functions under regulation 12 of the Special Constables Regulations, if that deputy chief constable is a different person from the deputy chief constable holding responsibility under these Regulations,

(c) where the constable concerned is a senior officer, the Authority.

(5) Before making an assessment on whether a matter should be referred to be dealt with under the Performance Regulations, the deputy chief constable must—

(a) consult the line manager of the constable concerned, and

(b) if the constable concerned is a senior officer, the Authority.

(6) Subject to regulations 12 and 13, where the deputy chief constable assesses that the matter could reasonably lead to vetting clearance being withdrawn, there must be a withdrawal assessment.

(7) At any time prior to receiving a written report under regulation 22(1), the deputy chief constable may revise their preliminary assessment under this regulation, if they consider it appropriate to do so.

(8) Where the deputy chief constable decides under this regulation to take no further action or to refer the matter to be dealt with under the Conduct Regulations or Performance Regulations, they must notify the constable concerned in writing as soon as practicable.

Appointment of assessor

16.—(1) This regulation applies where there must be a withdrawal assessment in accordance with regulation 15(6).

(2) Subject to paragraph (3), the force vetting manager must carry out the withdrawal assessment, or appoint another person to be the assessor who has the appropriate level of knowledge, skills and experience to plan and manage the withdrawal assessment.

(3) If the force vetting manager or other person appointed—

(a) is an interested party, or

(b) if they work directly under the management of the constable concerned,

then the deputy chief constable must appoint another person to carry out the withdrawal assessment.

(4) The person appointed by the deputy chief constable under paragraph (3) of this regulation must be a person with the appropriate level of knowledge, skills and experience to plan and manage the withdrawal assessment.

(5) If, for any reason, the force vetting manager is unable to appoint another person to carry out the withdrawal assessment under paragraph (2), the deputy chief constable may do so.

(6) In this regulation "force vetting manager" means the person who manages the vetting team in the Police Service and who develops, implements and maintains the Police Service's vetting policies and processes.

Withdrawal assessment

17.—(1) The purpose of the withdrawal assessment is to—

(a) gather evidence to establish the facts and circumstances of the matter of concern, and

(b) to help the decision maker under regulation 23 decide whether or not the vetting clearance of the constable concerned should be withdrawn.

(2) Subject to regulation 20, the assessor may interview witnesses as part of the withdrawal assessment.

Notice of withdrawal assessment

18.—(1) Subject to paragraph (4), the assessor must, as soon as reasonably practicable after being appointed, and no more than 5 working days after appointment, give the constable concerned a written notice stating—

(a) the matter of concern that is being considered and how that matter indicates that the constable may no longer be suitable to hold vetting clearance,

(b) the result of the preliminary assessment under regulation 15,

(c) that there is to be a withdrawal assessment and the identity of the assessor,

(d) the potential outcomes of the withdrawal assessment, including informing the constable that the withdrawal assessment could lead to their vetting clearance being withdrawn,

(e) that if all vetting clearance is withdrawn, this will lead to dismissal,

(f) that the constable has the right to seek advice from—

(i) for constables of a rank that makes them a senior officer, persons representative of senior officers,

(ii) for constables of the rank of superintendent and chief superintendent, persons representative of superintendents (including chief superintendents),

(iii) for all other constables, the Police Federation for Scotland,

(g) the constable's rights under regulation 9 in relation to police representatives and regulation 10 in relation to legal representation,

(h) the constable's ability to make representations to the assessor under regulation 19.

(2) Subject to paragraph (4), where—

(a) a written notice is given under paragraph (1), and

(b) the deputy chief constable revises their preliminary assessment under regulation 15(7), and

(c) the deputy chief constable remains of the view that the matter or matters of concern could result in vetting clearance being withdrawn,

the deputy chief constable must as soon as practicable give the constable concerned a revised written notice in light of the revised preliminary assessment.

(3) Where the assessor sends a notification to a constable who is a senior officer, the assessor must also send a copy of that notification to the Authority.

(4) Any written notice given under paragraph (1) or (2) is subject to the disclosure risk test.

(5) If, for any reason, the assessor is unable to send the notification within the 5 working days timescale in paragraph (1), another person may send the notification on their behalf.

Representations to the assessor

19.—(1) Before the end of the period of 15 working days beginning with the first day after a written notice is given under regulation 18(1) or (2)—

(a) the constable concerned may provide a written or oral statement relating to the matter to the assessor, including any mitigating circumstances, and

(b) the constable concerned or the constable's police representative may provide to the assessor any document relating to any matter connected with the withdrawal assessment, including a document containing suggestions as to lines of inquiry to be pursued or witnesses to be interviewed.

(2) The assessor must consider any such statement or document and must make a record of having received it.

(3) The period referred to in paragraph (1) may be extended by the assessor.

(4) The constable concerned may provide the statement or documents regardless of whether they intend to attend the interview that may be arranged under regulation 20.

(5) If the constable concerned intends to provide a statement or a document, but does not intend to attend the interview under regulation 20, then the constable concerned must notify the assessor of their intentions.

(6) The means by which the constable concerned may provide a written statement or document under paragraph (1) include e-mail or other means of electronic communication.

Vetting interview with the constable concerned during withdrawal assessment

20.—(1) This regulation applies where, as part of the withdrawal assessment—

(a) the assessor wishes to interview the constable concerned, or

(b) the constable concerned wishes to be interviewed.

(2) The assessor must, so far as reasonably practicable, agree a date and time for the interview with the constable concerned.

(3) The constable concerned may propose a date and time for the interview, and the assessor must consider setting that date and time as the date and time for the interview, provided it does not cause unreasonable delay.

(4) Where no date and time is agreed under paragraph (2), the assessor must specify a date and time for the interview.

(5) The date for the interview must, wherever possible, be within 20 working days of receipt by the constable concerned of the written notice under regulation 18.

(6) No interview may take place until the constable concerned has provided their statement, unless the constable concerned notifies the assessor that they do not intend to provide a statement, or the constable concerned fails without reasonable excuse to provide a statement within the required time frame set out in regulation 19.

(7) The assessor must give the constable concerned written notice of the date, time and place of the interview.

(8) The assessor must, in advance of the interview, provide the constable concerned with such information as the assessor considers appropriate in the circumstances of the case to enable the constable concerned to prepare for the interview.

(9) The requirement in paragraph (8) is subject to the disclosure risk test.

(10) Subject to paragraphs (11) and (12), the constable concerned must attend the interview.

(11) The assessor may permit the constable concerned to participate in the interview by video link or other suitable means if satisfied that the constable concerned is unable, on reasonable grounds, to attend the interview in person.

(12) The constable concerned may, subject to the assessor's prior agreement, neither attend the interview nor participate in accordance with paragraph (11), and may instead be represented by a police representative or legal representative.

(13) Where the constable concerned either attends the proceedings or participates in accordance with paragraph (11), any police representative or legal representative of the constable concerned may not answer any question asked of the constable concerned during the interview.

(14) If the constable concerned does not attend an interview, the assessor may conclude the withdrawal assessment without interviewing the constable concerned.

(15) The assessor is to determine the procedure to be followed at the interview.

(16) An audio recording may be made of the interview and, where such a recording is made, the constable concerned must be provided with a copy of that recording as soon as reasonably practicable after the conclusion of the withdrawal assessment, and, at the latest, with the notification under regulation 24.

(17) Where no audio recording is made under paragraph (16), a written record of the interview must be prepared and—

(a) the assessor must provide a draft of that record to the constable concerned,

(b) the constable concerned has 10 working days from the first working day after the day of receipt of the draft to make any representations in relation to that draft,

(c) the assessor must consider any representations made, and

(d) having considered those representations (if any), the assessor must send a copy of the final written record of the interview to the constable.

(18) The period referred to in paragraph (17)(b) may be extended by the assessor.

Discontinuation of withdrawal assessment

21.—(1) This regulation applies if at any time during the withdrawal assessment—

(a) there is evidence made available to the assessor that was not available to the deputy chief constable when they made their preliminary assessment or any revised preliminary assessment under regulation 15, and

(b) the assessor believes that the deputy chief constable would on further consideration be likely to determine that the matter could not reasonably lead to vetting clearance being withdrawn.

(2) The assessor must, whether or not the withdrawal assessment is complete, submit a written report to the deputy chief constable containing—

(a) a statement of the assessor's belief under paragraph (1)(b) and the grounds for it,

(b) an account of the withdrawal assessment to that point,

(c) a statement of the assessor's judgement as to how the matter should be dealt with in accordance with regulation 15(3).

(3) Where a report is submitted to the deputy chief constable under paragraph (2), the deputy chief constable must make a further preliminary assessment under regulation 15.

(4) If the deputy chief constable assesses that the matter of concern could reasonably lead to vetting clearance being withdrawn, the assessor must proceed with the withdrawal assessment.

(5) If the deputy chief constable assesses that the matter of concern could not reasonably lead to vetting clearance being withdrawn—

(a) the case must be dealt with in accordance with regulation 15(3),

(b) the withdrawal assessment must be discontinued, and

(c) the deputy chief constable must as soon as practicable, and in addition to any notice required under regulation 15(8), give the constable concerned notice in writing that—

(i) the notice given to the constable under regulation 18(1) has been withdrawn and no further action will be taken pursuant to that notice, and

(ii) the withdrawal assessment has been discontinued.

Report of withdrawal assessment

22.—(1) On completion of the withdrawal assessment, the assessor must submit a written report on the withdrawal assessment to the deputy chief constable within 15 working days.

(2) Where the constable concerned is a senior officer, the assessor must also submit the written report in paragraph (1) to the Authority.

(3) The written report must—

(a) provide an accurate summary of the evidence,

(b) attach or refer to any documents or other evidence provided that the assessor considers relevant,

(c) attach any audio recording or written record of any interview arranged under regulation 20,

(d) indicate the assessor's judgement as to whether or not the vetting clearance of the constable concerned should be withdrawn,

(e) where the assessor's judgement is that vetting clearance should not be withdrawn, indicate the assessor's judgement as to how the matter should be dealt with in accordance with regulation 15(3),

(f) if the assessor considers that without conditions being imposed on the vetting clearance, it would not be possible to mitigate concerns that could lead to vetting being withdrawn, indicate which conditions the assessor considers would be appropriate to mitigate those concerns.

Outcome of withdrawal assessment

23.—(1) The decision maker must, after receiving a written report under regulation 22(1)—

(a) take one of the actions mentioned in paragraph (2), or

(b) direct that the matter should be dealt with in accordance with regulation 15(3).

(2) The actions under this paragraph, in relation to the vetting clearance of the constable concerned, are to—

(a) impose conditions on it,

(b) downgrade it with or without conditions, or

(c) withdraw it.

(3) A constable who has had all vetting clearance withdrawn must be dismissed.

(4) Dismissal under paragraph (3) may be with or without notice.

(5) A constable whose vetting clearance has been downgraded may be demoted, if no suitable posts at the same rank exist which do not require the level of vetting the constable held immediately before it was downgraded.

(6) An action referred to in paragraph (2) or (5) shall have effect from the date on which it is notified to the constable concerned.

(7) A dismissal under paragraph (3) has effect from the date of—

(a) the notification of dismissal to the constable concerned where the dismissal is without notice, or

(b) from the end of the notice period set out where the dismissal is with notice.

(8) The decision maker is not required to follow the assessor's judgements in the assessor's report submitted under regulation 22(1).

(9) Where the decision maker is considering whether or not to withdraw the vetting clearance of the constable concerned, the decision maker must consider if, on a balance of probabilities, the matter or matters of concern could lead them to conclude the constable concerned is no longer suitable to hold the office of constable, or, where the situation requires, the particular rank or role the constable holds.

(10) In this regulation, "decision maker" means—

(a) where the constable concerned is the chief constable, the Authority,

(b) where the constable concerned is a deputy chief constable or assistant chief constable, the chief constable, and

(c) where the constable concerned is not a senior officer, the appropriate chief superintendent, or, if they are not able to make the decision, an assistant chief constable or a deputy chief constable.

(11) Where the chief constable makes a decision under this regulation in relation to a senior officer the chief constable must ensure that—

(a) the Authority is notified of the outcome,

(b) the items mentioned in regulation 24(1)(b)(ii) and (iii) are provided to the Authority.

(12) In this regulation, "appropriate chief superintendent" means the chief superintendent responsible for heading the Police Service Professional Standards Department.

(13) In paragraph (12), "Police Service Professional Standards Department" means the department with chief responsibility for ensuring that constables and staff of the Police Service meet the professional standards required to be a part of the Police Service.

Notification of outcome

24.—(1) The person responsible for notifying the constable concerned must, as soon as practicable after a decision is made under regulation 23(1)—

(a) notify the constable concerned of the outcome,

(b) subject to the disclosure risk test, send the constable concerned a copy of—

(i) the written report submitted under regulation 22(1), or such parts of that report as relate to the constable, together with any document attached to or referred to in that report which relates to the constable,

(ii) any other document which might reasonably be considered to support or undermine the outcome of the withdrawal assessment,

(iii) the audio recording or written record of any interview conducted under regulation 20,

(c) where the outcome for the constable concerned is one contained in regulation 23(2), send the constable written notice of the right of appeal under regulation 25, including the name of the person to whom an appeal should be sent,

(d) where the constable concerned has had all vetting clearance withdrawn, send the constable concerned a written notice of their dismissal.

(2) In this regulation the "person responsible for notifying the constable concerned" is—

(a) where the constable concerned is a senior officer, the Authority, and

(b) where the constable concerned is not a senior officer, the decision maker under regulation 23(10)(c).

PART 5

Internal appeal process

Appeal from withdrawal of vetting clearance

25.—(1) Subject to the provisions of this regulation, the constable concerned may appeal against any outcome provided for under regulation 23(2).

(2) The only grounds of appeal are that—

(a) the decision was unreasonable,

(b) there is evidence that could not reasonably have been considered as part of the withdrawal assessment which could have materially affected the decision,

(c) there was a breach of the procedures set out in these Regulations or other procedural unfairness which could have materially affected the decision.

(3) An appeal under this regulation must be commenced by the constable concerned giving written notice of appeal—

(a) before the end of the period of 30 working days beginning with the first working day after the outcome is notified to the constable under regulation 24,

(b) stating the grounds of appeal,

(c) advising whether the constable concerned—

(i) is requesting an appeal meeting, or

(ii) would prefer the appeal is dealt with without a meeting, and

(d) specifying the evidence that could have materially affected the withdrawal decision, where the constable concerned seeks to rely on the ground in paragraph (2)(b).

(4) In accordance with paragraph (3), where the constable concerned is—

(a) a senior officer, they must give the notice of appeal to the Authority,

(b) not a senior officer, they must give the notice of appeal to the deputy chief constable.

(5) The deputy chief constable or, if the constable concerned is a senior officer, the Authority, may extend the period referred to in paragraph (3)(a) in exceptional circumstances.

(6) An appeal under this regulation must be decided by the person or panel constituted in accordance with regulation 26.

(7) Where the constable concerned is a senior officer, the Authority must notify the Lord President of the need to appoint a legally qualified chair under regulation 26(2)(a)(i) of these Regulations.

(8) The deputy chief constable, or, if the constable concerned is a senior officer, the Authority, must give the person or panel a copy of—

(a) the written report submitted under regulation 22(1), together with any document attached to or referred to in that report,

(b) any document of a kind referred to in regulation 24(1)(b)(ii),

(c) the notice of appeal given by the constable concerned under paragraph (3),

(d) the audio recording or written record of any interview conducted under regulation 20,

(e) any evidence of a kind mentioned in paragraph (2)(b) that the constable wishes to submit in support of the appeal.

(9) The person or panel must determine whether the notice of appeal sets out arguable grounds of appeal, and if they decide it does not, they must dismiss the appeal.

(10) If the person or panel decides there are arguable grounds of appeal, they must proceed with commencing and concluding the appeal process as soon as practicable.

Persons conducting appeal

26.—(1) The appeal must be decided by the person or panel described in paragraph (2).

(2) Where the constable concerned is—

(a) a senior officer, a three-person panel constituted of—

(i) a chair, appointed by the Lord President from the legal members of the First-tier Tribunal, and

(ii) two panel members appointed by the Authority, these being—

(aa) one member who is a senior expert in policing, and

(bb) one independent lay member, who the Authority considers has the appropriate skills, knowledge and expertise to serve on the panel,

(b) a constable who is not a senior officer, an assistant chief constable or if no assistant chief constable can decide on the appeal, then a deputy chief constable may do so.

(3) No person or panel member may be an interested party.

(4) The senior expert in policing must not previously have worked directly with the constable concerned.

(5) The Lord President or the Authority, as appropriate, may not appoint to a panel—

(a) a member of the Authority,

(b) a member of the Authority's staff,

(c) a member of any committee of the Authority established under paragraph 9(1) of schedule 1 of the 2012 Act.

(6) An individual selected to serve on a panel must declare to the Lord President or the Authority, as appropriate, any conflicts of interest which may arise from appointment to a panel.

(7) Where a panel has been constituted under this regulation, any decision of the panel may be taken by a majority, but the decision must not indicate whether it was taken unanimously or by a majority.

(8) The Authority must pay to panel members such remuneration and allowances as the Authority, with the approval of the Scottish Ministers, determines.

(9) In this regulation, "legal member" means an individual holding membership of the First-tier Tribunal in accordance with section 15(2) of the Tribunals (Scotland) Act 2014(**a**).

Objections to persons conducting appeals

27.—(1) This regulation applies to constables who are not senior officers.

(2) Where a person is appointed in accordance with regulation 26, the deputy chief constable must as soon as practicable give the constable concerned written notice of the name of the person and the effects of paragraphs (3) to (6) of this regulation.

(3) The constable concerned may object to any person deciding the appeal who is notified to them under the preceding provisions of this regulation.

(4) Any such objection must—

(a) be made in writing to the deputy chief constable,

(b) be made before the end of 3 working days beginning with the first working day after the constable concerned is given notice of the person's name,

(c) set out the grounds of objection.

(**a**) 2014 asp 10.

(5) The deputy chief constable must as soon as practicable notify the constable concerned in writing whether they uphold or reject the objection.

(6) If the deputy chief constable upholds the objection, they must replace the person to whom the constable concerned objects as soon as practicable, and in accordance with regulation 26.

(7) The deputy chief constable, must as soon as practicable after the person to whom the constable concerned objected is replaced, give the constable concerned written notice of the name of the replacement and the effect of paragraphs (8) and (9) of this regulation.

(8) The constable concerned may object to the replacement.

(9) In relation to an objection under paragraph (8) of this regulation—

(a) paragraph (4) applies except in so far as it specifies the period of time for making an objection,

(b) the objection must be made before the end of the period of 3 working days beginning with the first working day after the constable concerned is given the notice referred to in paragraph (7), and

(c) paragraphs (5) to (7) apply, with the exception of the requirement in paragraph (7) for the deputy chief constable to give written notice of the effects of paragraphs (8) and (9).

Appeal meeting

28.—(1) This regulation applies where the constable concerned requests an appeal meeting in the written notice of appeal under regulation 25(3).

(2) If the person or panel considering the appeal determines under regulation 25(9) that the notice of appeal sets out arguable grounds of appeal, the person or panel must hold an appeal meeting with the constable concerned, before the end of the period of 5 working days beginning with the first day after that determination.

(3) The person or panel may extend the period referred to in paragraph (2) where they consider it would be in the interests of justice to do so.

(4) The person or panel must specify a date and time for the appeal meeting to the deputy chief constable, or if the constable concerned is a senior officer, the Authority.

(5) The deputy chief constable, or, if the constable concerned is a senior officer, the Authority, must give written notice to the constable concerned of—

(a) the date and time for the appeal meeting, as specified under paragraph (4),

(b) the place of the appeal meeting.

(6) The written notice in paragraph (5) must notify the constable concerned of their right to be represented by a police representative or legal representative, and of the constable's right to make representations (either themself or through their representative) at the meeting.

(7) Paragraph (8) applies where—

(a) a date and time are specified under paragraph (4),

(b) the constable concerned or the constable's police representative will not be available, and

(c) the constable concerned proposes an alternative date or time.

(8) Where this paragraph applies, the appeal meeting must be postponed to the alternative date or time, provided that such alternative date or time is reasonable and falls before the end of the period of 5 working days beginning with the first working day after the date specified by the person or panel.

(9) The appeal meeting must not be held until the person or panel has received a copy of the documents required under regulation 25(8).

(10) The person or panel conducting the appeal meeting must—

(a) determine the procedure at the appeal meeting,

(b) in so far as it is set out in these Regulations, must determine the procedure in accordance with these Regulations.

(11) No witness may give evidence at an appeal meeting unless the person or panel conducting the meeting believes that it is necessary for the witness to do so in the interests of justice, in which case the person or panel must—

(a) where the witness is a constable, cause that person to be ordered to attend the appeal meeting,

(b) in any other case, cause the witness to be given notice that their attendance is necessary and of the date, time and place of the appeal meeting.

(12) The appeal meeting must be held in private.

(13) An audio recording may be made of the meeting and, where such a recording is made, the constable concerned must be provided with a copy of that recording as soon as possible after the conclusion of the appeal process.

(14) Where no audio recording is made under paragraph (13), a written record of the appeal meeting must be prepared and—

(a) the person or panel 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 or panel must consider any representations made,

(d) having considered those representations (if any) the person or panel must send a copy of the final written record to the constable.

Determination of the appeal

29.—(1) The person or panel considering the appeal may—

(a) confirm or reverse the decision appealed against, and

(b) subject to paragraph (2), where the decision is reversed, deal with the matter in any manner under regulation 23(1)(b) or 23(2)(a) or (b).

(2) The person or panel may only decide to downgrade the vetting clearance of the constable concerned under regulation 29(1)(b), if the decision under regulation 23 was to withdraw vetting clearance from the constable.

(3) The person or panel must give a summary of the reasons for its determination.

(4) Where the person or panel reverses a decision to withdraw vetting clearance, the summary required under paragraph (3) must include a statement of the person or panel's opinion as to how risks identified as part of the withdrawal assessment should be managed.

(5) Before the end of the period of 3 working days beginning with the first working day after the person or panel's determination, the panel or person must notify the persons specified in this paragraph of their decision—

(a) where the constable is a senior officer, the Authority and the deputy chief constable,

(b) where the constable is not a senior officer, the deputy chief constable.

(6) The person or panel must ensure that the person or persons notified in paragraph (5) are provided with a copy of the determination and of the summary referred to in paragraph (3).

(7) Before the end of the period of 5 working days beginning with the first working day after the person or panel's determination, the person responsible for notifying the constable concerned must give the constable concerned—

(a) written notice of the person or panel's determination,

(b) a copy of the summary required under paragraph (3), and

(c) written notice of the right to appeal to the First-tier Tribunal where the person or panel makes a decision to withdraw vetting clearance and the constable is—

(i) dismissed in accordance with regulation 23(3), or

(ii) demoted under regulation 23(5).

(8) The decision of the person or panel takes effect—

(a) by way of substitution for the decision of the chief superintendent, assistant chief constable, deputy chief constable, chief constable or the Authority (as appropriate),

(b) as from the date on which the outcome was notified to the constable concerned under regulation 24.

(9) In this regulation the "person responsible for notifying the constable concerned" is—

(a) where the constable is a senior officer, the Authority,

(b) where the constable is not a senior officer, an assistant chief constable.

PART 6

Consequential amendments

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

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

(2) In rule 1 (interpretation)—

(a) after the definition of "the 2016 Senior Officers Performance Regulations" insert—

""the 2026 Vetting Regulations" means the Police Service of Scotland (Vetting) Regulations 2026,",

(b) for the definition of "the respondent" substitute—

""the respondent" means—

(a) for an appeal under section 56(1) of the 2012 Act against a decision made under the 2026 Vetting Regulations—

(i) in the case of an appeal by the chief constable, the Scottish Police Authority, and

(ii) in any other case, the chief constable,

(b) for an appeal under section 56(1) of the 2012 Act against a decision made under any other regulations—

(i) in the case of an appeal by a senior officer, the Scottish Police Authority, and

(ii) in any other case, the chief constable,",

(c) after the definition of "the Scottish Police Authority" insert—

""vetting appeal meeting" means a meeting held under regulation 28 of the 2026 Vetting Regulations.".

(3) In rule 6(3)(b) (notice of appeal), after head (iv) insert—

"(v) where the disputed decision was made under the 2026 Vetting Regulations, a copy of the written notification under regulation 29(5) of those Regulations,".

(4) After rule 7(2)(e) (reply by the respondent), insert—

"(ea) where the disputed decision was made under the 2026 Vetting Regulations, a certified copy of—

(i) the notice under regulation 18(1) of those Regulations in connection with the matter giving rise to the appeal,

(**a**) S.S.I. 2025/384.

(ii) the audio recording made under regulation 20(16) or (as the case may be) the written record sent under regulation 20(17) of those Regulations,

(iii) the audio recording made under regulation 28(13) or (as the case may be) the written record sent under regulation 28(14) of those Regulations,

(iv) the notice under regulation 29(5) of those Regulations,".

(5) In rule 11(1) (procedure at the hearing), for "or inefficiency hearing" substitute ", inefficiency hearing or vetting appeal meeting".

The Police Service of Scotland Regulations 2013

31.—(1) The Police Service of Scotland Regulations 2013(**a**) are amended as follows.

(2) In regulation 2 (interpretation and application), after the definition of "seaman" insert—

""Vetting Regulations" means the Police Service of Scotland (Vetting) Regulations 2026.".

(3) In regulation 16 (pay), after paragraph (2) insert—

"(3) Nothing in this regulation or regulation 31 affects the operation of any provisions of the Vetting Regulations, and in relation to a constable who is suspended the provisions of paragraphs 1 and 3 of schedule 2 have effect.".

(4) In regulation 29 (allowances in respect of periods of suspension), after "Conduct Regulations" insert "or the Vetting Regulations".

(5) In schedule 2—

(a) in paragraph 1(1), after "Conduct Regulations" insert "or the Vetting Regulations",

(b) after paragraph 2, insert—

"**2A.** Subject to paragraph 3, a constable suspended under the Vetting Regulations is not, by virtue of Part 6 of these Regulations, entitled to any allowance, in respect of that period of suspension, other than—

(a) a replacement allowance in accordance with the Police (Scotland) Regulations 2004; or

(b) such allowance as the Scottish Ministers may determine.",

(c) in paragraph 3, after "period of suspension" insert "under the Conduct Regulations",

(d) after paragraph 3, insert—

"**3A.** Where a constable returns to duty when a period of suspension under the Vetting Regulations comes to an end and—

(a) it has been decided after a withdrawal assessment that the constable's vetting clearance will not be withdrawn, or

(b) after an appeal under Part 5 of those Regulations, the constable's vetting clearance is reinstated,

that constable must receive, as from the date of that constable's suspension, the pay to which, but for paragraph 1, and the allowances to which, but for paragraph 2, that constable would have been entitled by virtue of these Regulations.",

(**a**) S.S.I. 2013/35. There are amendments to regulation 2 that are not relevant to these Regulations.

(e) the schedule heading becomes "Effect of disciplinary action or vetting proceedings on pay and allowances".

ANGELA CONSTANCE
A member of the Scottish Government

St Andrew's House,
Edinburgh
29th January 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the vetting of police constables. They require every police constable to hold and maintain vetting clearance. They also require the chief constable to re-assess the vetting clearance of constables at intervals and if a reason to do so arises. They establish a procedure for withdrawing vetting clearance where there is evidence that a police constable may no longer be suitable to hold it and provide for a route of dismissing a constable who has had all vetting clearance removed.

The Regulations sit alongside the Police Service of Scotland (Performance) Regulations 2014 and the Police Service of Scotland (Senior Officers) (Performance) Regulations 2016 ("the Performance Regulations"), which concern unsatisfactory performance or attendance or gross incompetence, and the Police Service of Scotland (Conduct) Regulations 2014, the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013 and Part 4 of the Police Service of Scotland (Special Constables) Regulations 2013 (the "Conduct Regulations"), which concern internal conduct matters.

Part 1 contains preliminary provisions, including interpretation and application provisions. The Regulations apply to all Police Service of Scotland constables.

Part 2 deals with vetting clearance generally. Regulation 4 sets out the duty for every police constable to hold and maintain vetting clearance. Regulation 5 sets out the duty for the chief constable to ensure that vetting of each constable is carried out at intervals of no more than 10 years. The chief constable may also require a constable to undergo an assessment at any other time, if a reason to do so arises. Regulation 6 provides for the termination of a police constable's vetting clearance at the point they cease to be a police constable.

Part 3 sets out processes that apply to the Regulations as a whole, including legal representation or other representation, and the provision of notices. Regulation 12 sets out what should happen if an offence may have been committed by the constable concerned. Regulation 13 sets out what should happen if the matters that have arisen in the vetting process could amount to a conduct matter under the Conduct Regulations or a performance matter under the Performance Regulations. Regulation 14 allows the deputy chief constable or the Authority, as appropriate, to suspend a police constable under the Regulations where certain conditions are met.

Part 4 deals with the procedure for withdrawal assessments. Regulation 15 provides for the deputy chief constable to make a preliminary assessment in relation to the matter of concern around vetting clearance that has come to their attention. Regulation 16 requires the force vetting manager to carry out a withdrawal assessment, or to appoint an assessor to do so, where the preliminary assessment indicates that a withdrawal assessment must be carried out. Regulation 17 sets out the purpose of the withdrawal assessment. Regulation 19 provides that the constable concerned may make representations to the assessor and regulation 20 allows the assessor to ask the constable to attend an interview with the assessor, or for the constable to request an interview. Regulation 23 provides for a designated decision maker to make a decision about the vetting clearance of the constable concerned and any measures that should be placed on vetting, once the assessor has made their final written report and recommendation. Regulation 23 provides that if a police constable has had all vetting clearance withdrawn, they must be dismissed with or without notice. Regulation 25 provides that the constable may appeal any outcome under regulation 23(2).

Part 5 sets out the internal process for appealing any outcome under regulation 23(2), including setting out who must conduct the appeal and the appeal processes.

Part 6 amends the First-tier Tribunal for Scotland General Regulatory Chamber (Police Appeals) (Procedure) Regulations 2025 to ensure that the rules in those Regulations will apply to an appeal made against dismissal or demotion under these Regulations. It also amends provisions on pay and allowances in the Police Service of Scotland Regulations 2013 with respect to constables who have been suspended.

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