



Police and Fire Reform (Scotland) Act 2012

2012 asp 8

PART 1

POLICE REFORM

CHAPTER 8

GOVERNANCE AND ADMINISTRATION OF POLICE

52 **Disciplinary procedures: conduct and performance**

- (1) Regulations made under section 48 must establish, or provide for the establishment of, procedures for dealing with a constable whose standard of behaviour or performance is unsatisfactory.
- (2) Such regulations may make provision—
 - (a) setting out—
 - (i) standards of behaviour which, if breached, may be treated as misconduct,
 - (ii) standards of performance which, if breached, may be treated as being unsatisfactory performance,
 - (iii) other circumstances in which a constable's behaviour may be treated as misconduct or in which a constable's performance may be treated as unsatisfactory (for example, where performance is inefficient or where there has been a failure to perform functions),
 - (b) for circumstances in which a constable may be suspended from duty pending investigation into whether the constable has been engaged in misconduct,
 - (c) subject to subsection (3), for a constable who is found to have been engaged in misconduct or whose performance is found to have been unsatisfactory to be dealt with by being—
 - (i) dismissed (with or without notice),
 - (ii) demoted in rank,

Status: This is the original version (as it was originally enacted).

- (iii) warned that future misconduct or unsatisfactory performance may lead to further disciplinary action,
 - (iv) admonished, or
 - (v) dealt with in any other way,
 - (d) conferring functions on the Police Investigations and Review Commissioner in relation to investigations of whether a constable has been engaged in misconduct,
 - (e) applying the procedures (with or without modifications) in relation to a constable engaged on temporary service outwith the Police Service (see section 15).
- (3) Such regulations must provide for the Authority to determine any case which relates to the standard of behaviour or performance of a senior officer.
- (4) A constable suspended by virtue of regulations made under section 48 is not entitled to carry out any functions as a constable unless the regulations otherwise specify.