



# Police and Fire Reform (Scotland) Act 2012

2012 asp 8

## PART 1

### POLICE REFORM

#### CHAPTER 9

##### POLICE APPEALS TRIBUNALS

#### **59 Powers to obtain information**

- (1) The person appointed to chair a police appeals tribunal (the chairing member) may require the appellant, respondent or any other person—
  - (a) to attend a hearing of the tribunal, at such time and such place as the chairing member may specify, for the purposes of giving evidence,
  - (b) to give to the tribunal, by such day as the chairing member may specify, such documents or information as the tribunal may reasonably require.
- (2) Subsection (1) does not authorise the chairing member or the tribunal to require any person to answer any question or to disclose anything which the person would be entitled to refuse to answer or disclose in civil proceedings in the Court of Session.
- (3) It is an offence for any person on whom a requirement under subsection (1) is served to—
  - (a) fail to attend a hearing of the tribunal as required by the citation,
  - (b) refuse or fail, while attending such a hearing as so required, to answer any question,
  - (c) refuse or fail to give the tribunal any document or information so required,
  - (d) knowingly or recklessly make any statement in respect of any information so required which is false or misleading in a material respect, or
  - (e) deliberately alter, suppress, conceal or destroy any document so required.

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*Status: This is the original version (as it was originally enacted).*

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- (4) A person who is guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) It is a defence for a person charged with an offence under subsection (3)(a), (b) or (c) to show that the person had a reasonable excuse for the refusal or failure.