



# Police and Magistrates' Courts Act 1994

## 1994 CHAPTER 29

### PART II

#### POLICE (SCOTLAND)

#### 55 Appeals against dismissal etc.

(1) For section 30 of the 1967 Act there shall be substituted—

**“30 Appeals against dismissal etc.**

- (1) A constable who is dismissed, required to resign or reduced in rank by a decision taken in proceedings under regulations made in accordance with subsection (2A) of section 26 of this Act may appeal to a police appeals tribunal against the decision except where he has a right of appeal to some other person; and in that case he may appeal to such a tribunal from any decision of that other person as a result of which he is dismissed, required to resign or reduced in rank.
- (2) Where a police appeals tribunal allows an appeal it may, if it considers that it is appropriate to do so, make an order dealing with the appellant in a way—
  - (a) which appears to the tribunal to be less severe than the way in which he was dealt with by the decision appealed against; and
  - (b) in which he could have been dealt with by the person who made that decision.
- (3) The Secretary of State may make rules as to the procedure on appeals under this section to a police appeals tribunal.
- (4) Rules made under this section may make provision for enabling a police appeals tribunal to require any person to attend a hearing to give evidence or to produce documents and may, in particular, apply subsections (4) and (5) of section 210 of the <sup>M1</sup>Local Government (Scotland) Act 1973 with such modifications as may be set out in the rules.

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*Changes to legislation: There are currently no known outstanding effects for the Police and Magistrates' Courts Act 1994, Section 55. (See end of Document for details)*

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- (5) Schedule 3 to this Act shall have effect in relation to appeals under this section.
- (6) Rules made under this section may make such supplementary and transitional provision as the Secretary of State thinks necessary or expedient in consequence of the coming into operation of an amalgamation scheme, amending scheme or revoking scheme while an appeal under this section is pending; and without prejudice to the generality of this subsection, such provision may in particular include modifications to Schedule 3 to this Act in that Schedule's application to any case affected by the making of such a scheme.”.
- (2) For Schedule 3 to the 1967 Act there shall be substituted the Schedule set out in Schedule 6 to this Act.

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**Commencement Information**

- II** S. 55 wholly in force at 1.8.1996; s. 55 not in force at Royal Assent, see s. 94(1); s. 55(1) in force (1.1.1995) by S.I. 1994/3075, art. 2, Sch.; s. 55 in force (1.8.1996) insofar as not already in force by S.I. 1996/1646, art. 2, Sch. (with saving in art. 3)
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**Marginal Citations**

- M1** 1973 c. 65.

**Changes to legislation:**

There are currently no known outstanding effects for the Police and Magistrates' Courts Act 1994, Section 55.