

Criminal Justice Committee

Stephen Kerr MSP
The Scottish Parliament
Edinburgh
EH99 1SP

29 September 2026

Dear Stephen,

Thank you for your letter of 21 September 2026 regarding the forthcoming police conduct regulations and, in particular, the arrangements proposed for gross misconduct hearings. I am grateful to you for setting out your concerns and observations in such detail.

As you note, the regulations have not yet been laid before the Parliament. In the meantime, I will ensure that your letter is shared with Committee members so that they are aware of the issues you have raised.

Once the Scottish Government lays the relevant subordinate legislation, the Criminal Justice Committee will be able to scrutinise it in accordance with the parliamentary procedure applicable to the instrument. The Committee will then be able to consider the regulations on the basis of the evidence and information available to it.

The Committee may also wish to consider whether any additional engagement would assist its scrutiny of the regulations. This could include seeking further information from the Scottish Government by correspondence and/or inviting the responsible Minister to give evidence. I will also ask SPICe to consider preparing briefing material to assist the Committee's scrutiny of the regulations once they are laid.

While it would not be appropriate for the Committee to reach conclusions on the substance of proposals before seeing the regulations themselves, your letter highlights a number of issues which members may wish to explore further as part of their scrutiny. These include the rationale for the proposed arrangements, the evidence underpinning the policy approach taken, and the issues of confidence and fairness that you identify.

Thank you again for taking the time to write. I am sure Committee members will find your observations helpful as they consider how best to approach scrutiny of the regulations once they are laid.

Yours sincerely,





Criminal Justice Committee

David Linden MSP

Convener

Criminal Justice Committee