

Criminal Justice Committee
Wednesday 4 March 2026
9th Meeting, 2025 (Session 6)

Note by the Clerk on the Police Service of Scotland (Vetting) Regulations 2026 (SSI 2026/46)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to the negative procedure. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

Title of instrument: [The Police Service of Scotland \(Vetting\) Regulations 2026](#)

Laid under: sections 48, 55 and 125(1) of the [Police and Fire Reform \(Scotland\) Act 2012](#)

Laid on: 2 February 2026

Procedure: Negative

Deadline for committee consideration: 9 March 2026 (Advisory deadline for any committee report to be published)

Deadline for Chamber consideration: 13 March 2026 (Statutory 40-day deadline for any decision whether to annul the instrument)

Commencement: 1 April 2026

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered the instrument on 10 February 2026 and reported on it in its [17th Report, 2026](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

8. The purpose of this instrument is to make provision for the vetting of all constables appointed under the [Police and Fire Reform \(Scotland\) Act 2012](#).
9. The Regulations require every 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.
10. In addition, they establish a procedure for withdrawing vetting clearance where there is evidence that a constable may no longer be suitable to hold it and an appeals process for all constables.
11. The Regulations sit alongside the [Police Service of Scotland \(Performance\) Regulations 2014](#) and the [Police Service of Scotland \(Senior Officers\) \(Performance\) Regulations 2016](#), 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](#), which concern internal conduct matters.
12. The Policy Note accompanying the instrument is included in the **Annexe**. It includes a summary of consultation undertaken on the instrument and the anticipated financial effects. The following impact assessments have been carried out:
 - [Equality Impact Assessment](#)
 - [Child Rights and Wellbeing Impact Assessment](#)

Committee consideration

13. So far, no motion recommending annulment has been lodged.
14. Members are invited to consider the instrument and decide whether there are any points they wish to raise.
15. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).

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16. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

**Clerks to the Committee
February 2026**

Annexe B: Scottish Government Policy Note

The Police Service of Scotland (Vetting) Regulations 2026 (SSI 2026/46)

1. The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 48, 55 and 125(1) of the Police and Fire Reform (Scotland) Act 2012 (“the 2012 Act”) and all other powers enabling them to do so. The instrument is subject to negative procedure.

Summary Box

The purpose of this instrument is to make provision for the vetting of all constables appointed under the 2012 Act. They require every 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 constable may no longer be suitable to hold it and an appeals process for all constables.

Policy Objectives

2. Police constables possess a range of authorised statutory powers that set them apart from ordinary members of the public. It is therefore essential that they uphold the highest ethical and professional standards and act with the utmost integrity. Doing so is crucial to maintaining public trust and confidence in the police service.

3. His Majesty’s Inspectorate of Constabulary in Scotland (HMICS) published their report: ‘Assurance review of vetting policy and procedures within Police Scotland’ in October 2023. One of their recommendations was that “the Scottish Government should place into legislation the requirement for all Police Scotland officers and staff to obtain and maintain a minimum standard of vetting clearance and the provision for the Chief Constable to dispense with the service of an officer or staff member who cannot maintain suitable vetting.”

4. These regulations progress the HMICS recommendation by ensuring the Chief Constable has in place robust vetting procedures, to identify those who pose a potential risk to others, or who are otherwise unsuitable to work within the police service. The regulations introduce provisions to ensure that the vetting of constables is carried out regularly and introduces procedures to allow the Chief Constable to dismiss a constable, should they have their vetting clearance withdrawn, where there is evidence that a constable cannot maintain a vetting clearance.

5. The regulations cover all constables and place a duty on the Chief Constable to reassess the vetting clearance of constables, with a re-assessment made of each constable at intervals of not more than 10 years. This will ensure that constables, who will have been vetted during their recruitment to the service, will have their vetting regularly re-assessed. The Chief Constable may also re-assess a constables’

vetting should a matter comes to their attention, that indicates an officer may no longer be suitable to hold vetting clearance.

6. If a matter raising a concern about the constable maintaining their current vetting clearance is found, either via this routine re-vetting or through some other means, this will be considered through a vetting withdrawal assessment. An appointed 'assessor' will gather information on the matter and consider whether the constable can maintain their vetting status. The constable can have access to a police or legal representative and must have an opportunity to make their own representations in respect of the matter which is under consideration.

7. The withdrawal assessment may be paused if there are any alleged offences. Where the matter of concern could also lead to conduct or performance proceedings, a withdrawal assessment must not commence whilst it is considered that the matter of concern would relate to a matter that is to be or may be dealt with under either process. This requirement does not, however, preclude a withdrawal assessment from taking place if there is more than one matter being considered, and the withdrawal assessment can commence in relation to matters that could not be dealt with under conduct or performance processes.

8. During the withdrawal assessment or appeal process a constable may be suspended, provided the suspension conditions are satisfied, and any suspension must be re-considered on a regular basis.

9. The 'assessor' will provide a report on their withdrawal assessment and the appropriate decision maker will then take one of the actions set out in the regulations. Actions available to the decision maker are to place conditions on vetting, downgrade vetting, withdraw vetting, or to do nothing, or divert the case to the conduct or performance processes. Where all vetting clearance of a constable has been withdrawn, a constable must be dismissed.

10. A constable can appeal against any action taken under the regulations. For non-senior officers, an appeal will be heard by an Assistant Chief Constable or if none is available, a Deputy Chief Constable. For senior officers, an appeal will be heard by a three-person panel appointed by the Scottish Police Authority. If, after an appeal, a constable is ultimately dismissed or demoted, they may appeal to the First-tier Tribunal.

11. From initial discovery through to final decision, the regulations ensure transparency, fairness and proportionality at every stage. They give constables the opportunity to put forward their case in relation to their vetting clearance, guarantees access to representation throughout the process, and provide both internal and external routes of appeal. At the same time, the Chief Constable is required to regularly review the vetting clearance of all constables and has a clear mechanism to dismiss those who cannot maintain it.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

12. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Police Service of Scotland (Vetting) Regulations 2026 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

13. This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

14. In accordance with section 54(2) of the 2012 Act, Scottish Ministers have consulted and shared a draft of the Regulations with the persons mentioned in section 54(2)(a)(i) to (vi), and under this section have consulted relevant bodies with an interest in this area of policy. Scottish Ministers have considered the representations made and drafting changes have been made as a result of those comments.

Impact Assessment

15. An Equality Impact Assessment has been completed for the regulations and found that the regulations will not impact constables due to any protected characteristics.

16. An impact assessment regarding Child Rights and Wellbeing has been completed.

Financial Effect

17. The Cabinet Secretary for Justice and Home Affairs confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Safer Communities Directorate