

21 February 2022

2022_011

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

REQUEST DETAILS

Please find below our response to your correspondence dated 24 January 2022 in which you made the following request under the Freedom of Information (Scotland) Act 2002:

Pursuant to the general right of access to information contained within the Freedom of Information (Scotland) Act 2002, I request from the Scottish Police Authority all the information contained within the Police Appeals Tribunal Register, being the register kept pursuant to Rule 3(3) of the Police Appeals Tribunals (Scotland) Rules 2013, as at date of this request for information.

RESPONSE

Your request for information has been considered and the Scottish Police Authority (SPA) is able to provide the following:

The Scottish Police Authority holds the Police Appeals Tribunal Register. Information from the Register has been extracted and is provided in the Appendix, see pages 3-6.

While our aim is to provide information whenever possible, in this instance we are unable to provide some of the information requested. Therefore, this is a notice in terms of Section 16 of the Freedom of Information (Scotland) Act 2002.

The exemption considered to be applicable is section 38(1)(b) - Personal Information. The information which has been withheld is personal data of third parties. Disclosure of the data in question would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and section 34(1) of the Data Protection Act 2018. This is an absolute exemption which does not require a public interest test to be conducted.

RIGHT TO REVIEW

If you are dissatisfied with the way in which your request has been dealt with you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@spa.police.uk or by post to Corporate Management Team, Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision.

You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

Appendix

Information from Police Appeals Tribunal Register

SPA-PAT-2014-1

Date appeal received	24/02/2014
Name of Appellant	Appellant 1
Appellant's agent	Mr John McGeechan, Solicitor
Respondent's agent	Mr Duncan Campbell, Solicitor
Tribunal members	Ms Marion Caldwell QC (Chair) Mr Vinit Khurana, Advocate Mr Colin Dunipace, Solicitor Advocate
Date of Hearing	04/08/2015
Date of Written Decision	08/09/2015
Outcome of appeal	Appeal refused

SPA-PAT-2014-2

Date appeal received	31/03/2014
Name of Appellant	Appellant 2
Appellant's agent	Mr Douglas Jaap, Solicitor
Respondent's agent	Mr Duncan Campbell, Solicitor
Tribunal members	Ms Dorothy R Bain QC (Chair) Mr Andrew Webster, Advocate Mr Alex Forsyth, Solicitor
Date of Hearing	31/08/2015, 04/11/2015, 05/11/2015, & 10/11/2015
Date of Written Decision	27/04/2016
Outcome of appeal	Appeal refused

SPA-PAT-2015-1

Date appeal received	24/02/2015
Name of Appellant	Appellant 3
Appellant's agent	Michael Foster, Solicitor
Respondent's agent	Duncan Campbell, Solicitor
Tribunal members	Mr Douglas Fairley QC (Chair) Ms Elaine Motion, Solicitor Advocate Mr Joseph Hughes, Solicitor Advocate
Date of Hearing	01/10/2015
Date of Written Decision	27/11/2015
Outcome of appeal	Appeal refused

SPA-PAT-2016-1

Date appeal received	09/09/2016
Name of Appellant	Appellant 4
Appellant's agent	Mr Peter Watson, Solicitor
Respondent's agent	Mr Duncan Campbell, Solicitor
Tribunal members	Mr Roddy Dunlop QC (Chair) Mr Vinit Khurana, Advocate Mr David Ogilvy, Solicitor
Date of Hearing	27/02/2017
Date of Written Decision	28/02/2017
Outcome of appeal	Appeal refused

SPA-PAT-2017-1

Date appeal received	09/06/2017
Name of Appellant	Appellant 5
Appellant's agent	Mr Tony Convery, Solicitor
Respondent's agent	Ms Catherine Duffy, Solicitor
Tribunal members	Ms Angela Grahame QC (Chair) Mr Andrew Webster QC, Advocate Ms Elaine Motion, Solicitor Advocate
Date of Hearing	26/09/2018
Date of Written Decision	26/11/2018
Outcome of appeal	Appeal allowed

SPA-PAT-2017-2

Date appeal received	20/10/2017
Name of Appellant	Appellant 6
Appellant's agent	Mr Peter Watson, Solicitor
Respondent's agent	Ms Helen Marie Martin, Solicitor
Tribunal members	Dr Marian Gilmore QC (Chair) Mr Vinit Khurana, Advocate Mr Colin Dunipace, Solicitor Advocate
Date of Hearing	22/08/2018
Date of Written Decision	17/01/2019
Outcome of appeal	Appeal refused

SPA-PAT-2018-1

Date appeal received	04/04/2018
Name of Appellant	Appellant 7
Appellant's agent	Mr Peter Watson, Solicitor
Respondent's agent	Ms Helen Marie Martin, Solicitor
Tribunal members	Ms Marion Caldwell QC (Chair) Mr Douglas Fairley, Advocate Mr Joseph Hughes, Solicitor Advocate
Date of Hearing	N/A – appeal withdrawn on 20/08/2018
Date of Written Decision	N/A – appeal withdrawn on 20/08/2018
Outcome of appeal	N/A – appeal withdrawn on 20/08/2018

SPA-PAT-2018-2

Date appeal received	20/04/2018
Name of Appellant	Appellant 8
Appellant's agent	N/A
Respondent's agent	Ms Helen Marie Martin. Solicitor
Tribunal members	Dr Marian Gilmore QC (Chair) Mr Mark Lindsay QC, Advocate Mr David Ogilvy, Solicitor
Date of Hearing	1/10/2018 & 29/10/2018
Date of Written Decision	26/11/2018
Outcome of appeal	Appeal refused

SPA-PAT-2018-3

Date appeal received	07/11/2018
Name of Appellant	Appellant 9
Appellant's agent	Mr Callum Anderson, Solicitor
Respondent's agent	Ms Helen Marie Martin, Solicitor
Tribunal members	Mr Roy Martin QC (Chair) Mr Calum MacNeill QC, Advocate Mr Joseph Hughes, Solicitor Advocate
Date of Hearing	N/A – appeal withdrawn on 07/02/2019
Date of Written Decision	N/A – appeal withdrawn on 07/02/2019
Outcome of appeal	N/A – appeal withdrawn on 07/02/2019

SPA-PAT-2018-4

Date appeal received	12/11/2018
Name of Appellant	Appellant 10
Appellant's agent	N/A
Respondent's agent	Ms Helen Marie Martin. Solicitor
Tribunal members	Mr Andrew Young QC (Chair) Mr Mark Lindsay QC, Advocate Mr Alex Forsyth, Solicitor
Date of Hearing	19/08/2019 & 16/08/2019
Date of Written Decision	01/09/2019
Outcome of appeal	Appeal allowed

SPA-PAT-2019-1

Date appeal received	14/01/2019
Name of Appellant	Appellant 11
Appellant's agent	Ms Lauren Kerr, Solicitor
Respondent's agent	Ms Helen Marie Martin. Solicitor
Tribunal members	Mr Roy Martin QC (Chair) Mr Calum MacNeill QC, Advocate Mr Joseph Hughes, Solicitor Advocate
Date of Hearing	10/06/2019
Date of Written Decision	14/06/2019
Outcome of appeal	Appeal allowed

NOTE – a second hearing took place on a specific issue arising out of Appellant's reinstatement – the composition of the Tribunal for the second hearing was different from that for the first hearing.

Tribunal members	Mr Calum MacNeill QC Ms Dorothy Bain QC David Ogilvy, Solicitor
Date of hearing	30/06/2020
Date of Written Decision	13/7/2020

SPA-PAT-2020-1

Date appeal received	07/10/2020
Name of Appellant	Appellant 12
Appellant's agent	Mr Peter Watson, Solicitor
Respondent's agent	Ms Kirsti Nelson. Solicitor
Tribunal members	Mr Andrew Webster QC (Chair) Mr David Ogilvy, Solicitor Mr Alex Forsyth, Solicitor
Date of Hearing	10/5/2021 & 11/5/2021
Date of Written Decision	11/06/2021
Outcome of appeal	Appeal allowed