



# Police, Public Order and Criminal Justice (Scotland) Act 2006

2006 asp 10

## PART 1

### POLICE

## CHAPTER 2

### COMPLAINTS AND MISCONDUCT

*[<sup>F1</sup>The Police Investigations and Review Commissioner ]*

#### Textual Amendments

- F1** S. 33 heading substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), ss. 61(2)(a), [129\(2\)](#) (with s. 100); [S.S.I. 2013/51](#), [art. 2](#) (with transitional provisions and savings in [S.S.I. 2013/121](#))

### 33 [<sup>F2</sup>The Police Investigations and Review Commissioner]

- (1) There is to be an officer known as the [<sup>F3</sup>Police Investigations and Review Commissioner] (“the Commissioner”).
- (2) The Commissioner is to be an individual appointed by the Scottish Ministers.
- (3) Schedule 4 (which makes further provision about the Commissioner) has effect.

#### Textual Amendments

- F2** S. 33 provision heading substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), ss. [61\(2\)\(b\)](#), [129\(2\)](#) (with s. 100); [S.S.I. 2013/51](#), [art. 2](#) (with transitional provisions and savings in [S.S.I. 2013/121](#))

*Status: Point in time view as at 15/06/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Police, Public Order and Criminal Justice (Scotland) Act 2006, Cross Heading: The Police Investigations and Review Commissioner . (See end of Document for details)*

**F3** Words in s. 33(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 61(2)(c), 129(2)** (with s. 100); [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#))

### [<sup>F4</sup>33A **General functions of the Commissioner**

The Commissioner's general functions are—

- (a) to maintain, and to secure the maintenance by the Authority and the chief constable of, suitable arrangements for—
  - (i) the handling of relevant complaints; and
  - (ii) the examination of the handling of relevant complaints and the reconsideration of such complaints in accordance with sections 34 to 41;
- (b) where directed to do so by the appropriate prosecutor—
  - (i) to investigate any circumstances in which there is an indication that a person serving with the police may have committed an offence;
  - (ii) to investigate, on behalf of the relevant procurator fiscal, the circumstances of any death involving a person serving with the police which that procurator fiscal is required to investigate under section 1 of the [<sup>F5</sup>Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016];
- (c) where requested to do so by the Authority or the chief constable, to investigate and report on certain serious incidents involving the police (see section 41B); and
- (d) to investigate other matters relating to the Authority or the Police Service where the Commissioner considers that it would be in the public interest to do so (see section 41C).]

#### Textual Amendments

- F4** S. 33A inserted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 62, 129(2)** (with s. 100); [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#), arts. 1(1), 11)
- F5** Words in s. 33A(b)(ii) substituted (15.6.2017) by [Inquiries into Fatal Accidents and Sudden Deaths etc. \(Scotland\) Act 2016 \(asp 2\)](#), s. 42(2), **sch. 2 para. 11(2)**; [S.S.I. 2017/155](#), **reg. 2** (with regs. 4(2)5)

**Status:**

Point in time view as at 15/06/2017.

**Changes to legislation:**

There are currently no known outstanding effects for the Police, Public Order and Criminal Justice (Scotland) Act 2006, Cross Heading: The Police Investigations and Review Commissioner .