

Status: Point in time view as at 07/10/2013.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police, Public Order and Criminal Justice (Scotland) Act 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 4

[^{F1}THE POLICE INVESTIGATIONS AND REVIEW COMMISSIONER]

Textual Amendments

- F1** Sch. 4 heading substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 33\(16\)](#); [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#))

Limitations on appointment

- 2 (1) A person is disqualified for appointment to the office of Commissioner if the person—
- (a) is or has been a member of—
 - (i) the House of Lords;
 - (ii) the House of Commons;
 - (iii) the Scottish Parliament;
 - (iv) the European Parliament; or
 - (v) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39);
 - (b) is or has been a constable of [^{F1}the Police Service (or of a police force previously maintained under the Police (Scotland) Act 1967 (c.77))];
 - (c) is or has been a member of—
 - (i) a police force maintained under section 2 of the Police Act 1996 (c. 16);
 - (ii) the metropolitan police force or of the City of London police force;
 - (iii) the Police Service of Northern Ireland;
 - (iv) the Ministry of Defence Police appointed on the nomination of the Secretary of State under section 1 of the Ministry of Defence Police Act 1987 (c. 4);
 - (v) the British Transport Police Force;
 - (vi) the Civil Nuclear Constabulary;
 - (vii) the States of Jersey Police Force;
 - (viii) the salaried police force of the Island of Guernsey; or
 - (ix) the Isle of Man Constabulary;
 - (d) is or has been—
 - (i) a special constable appointed under section 27 of the Police Act 1996 (c. 16);
 - (ii) a member of the Police Service of Northern Ireland Reserve;
 - (iii) a member of the Ministry of Defence Police by virtue of section 1(1)(b) of the Ministry of Defence Police Act 1987 (c. 4);
 - (iv) a special constable of the British Transport Police Force; or
 - (v) a member of any force of special constables established for the States of Jersey, the Island of Guernsey or the Isle of Man;
 - [^{F2}(da) is or has been a member of the Authority;]
 - (e) is or has been a member of staff of the Authority [^{F3}or has been a member of staff of the body which was known as the Scottish Police Services Authority];

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- ^{F4}(f)
- (g) is or has been [^{F5}employed as a member of police staff or as a member of the Authority's staff or has been] employed, by virtue of section 9 of the 1967 Act (employees other than constables) by a police authority or a joint police board;
- (h) has been a member of—
- (i) the National Criminal Intelligence Service or;
- (ii) the National Crime Squad; ^{F6}...
- (i) ^{F7}... has been a member of the Serious Organised Crime Agency [^{F8}or]
- [^{F9}(j) is or has been a National Crime Agency officer.]
- (2) The disqualification under sub-paragraph (1)(a) does not extend to any membership ending more than 3 years before the person is appointed to the office of Commissioner.
- (3) A person who has previously been appointed to the office of Commissioner is not eligible to be appointed again, except in accordance with sub-paragraph (4).
- (4) A person holding office as Commissioner may be reappointed on the expiry of the person's period of appointment, but only if—
- (a) the person has not previously been reappointed to the office; and
- (b) the Scottish Ministers consider that, by reason of special circumstances, it is desirable in the public interest.

Textual Amendments

- F1** Words in Sch. 4 para. 2(1)(b) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\), s. 129\(2\), Sch. 7 para. 33\(17\)\(a\)\(i\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F2** Sch. 4 para. 2(1)(da) inserted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\), s. 129\(2\), Sch. 7 para. 33\(17\)\(a\)\(ii\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F3** Words in Sch. 4 para. 2(1)(e) inserted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\), s. 129\(2\), Sch. 7 para. 33\(17\)\(a\)\(iii\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F4** Sch. 4 para. 2(1)(f) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\), s. 129\(2\), Sch. 8 Pt. 1](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F5** Words in Sch. 4 para. 2(1)(g) inserted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\), s. 129\(2\), Sch. 7 para. 33\(17\)\(a\)\(iv\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F6** Word in Sch. 4 para. 2(1)(h)(ii) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 8 para. 172\(a\)](#); S.I. 2013/1682, art. 3(v)
- F7** Words in Sch. 4 para. 2(1)(i) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 8 para. 172\(b\)\(i\)](#); S.I. 2013/1682, art. 3(v)
- F8** Word in Sch. 4 para. 2(1)(i) inserted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 8 para. 172\(b\)\(ii\)](#); S.I. 2013/1682, art. 3(v)
- F9** Sch. 4 para. 2(1)(j) inserted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 8 para. 172\(c\)](#); S.I. 2013/1682, art. 3(v)

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