

Changes to legislation: There are currently no known outstanding effects for the Police, Public Order and Criminal Justice (Scotland) Act 2006, Cross Heading: Tenure and removal from office. (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)

Tenure and removal from office

- 3 (1) Subject to this paragraph and paragraph 4, a person holds office as Commissioner on such terms and conditions as the Scottish Ministers may determine.
- (2) The period of a person's appointment as Commissioner is—
- (a) in the case of a first appointment, [^{F1}5] years; and
 - (b) in the case of a reappointment, [^{F2}3] years.
- (3) A person holding office as Commissioner may, by written notice to the Scottish Ministers, resign at any time.
- (4) The Scottish Ministers may remove a person from the office of Commissioner if satisfied that any of the grounds mentioned in sub-paragraph (5) is the case.
- (5) Those grounds are—
- (a) the person has failed without reasonable excuse to carry out the functions of the office for a continuous period of 3 months;
 - (b) the person falls within one or more of the sub-sub-paragraphs of paragraph 2(1);
 - (c) the person has, since appointment, been convicted of a criminal offence;
 - (d) the person's estate has been sequestrated or the person has been adjudged bankrupt, has made an arrangement with creditors or has granted a trust deed for creditors or a composition contract;
 - (e) the person is subject to a disqualification order under the Company Directors Disqualification Act 1986 (c. 46) or under [^{F3}the Company Directors Disqualification (Northern Ireland) Order 2002];
 - (f) the person has acted improperly in relation to the person's duties;
 - (g) the person is otherwise unable or unfit to perform the person's duties.

Textual Amendments

- F1** Figure in Sch. 4 para. 3(2)(a) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 33\(17\)\(b\)\(i\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F2** Figure in Sch. 4 para. 3(2)(b) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 33\(17\)\(b\)\(ii\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F3** Words in Sch. 4 para. 3(5)(e) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), [Sch. 1 para. 261\(3\)](#) (with art. 10)

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