



Police (Scotland) Act 1967 (repealed)

1967 CHAPTER 77

PART III

MISCELLANEOUS AND GENERAL

Remedies and complaints against police

39 Liability for wrongful acts of constables.

- (1) The chief constable of a police force shall be liable in reparation in respect of any wrongful act or omission on the part of any constable under his general direction in the performance or purported performance of his functions in like manner as a master is so liable in respect of a wrongful act or omission on the part of his servant in the course of the servant's employment.
- (2) The police authority shall pay—
 - (a) any damages or expenses awarded against the chief constable of a police force in any proceedings brought against him by virtue of this section and any expenses incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
 - (b) any sum required in connection with the settlement of any claim made against the chief constable of a police force by virtue of this section, if the settlement is approved by the police authority.
- (3) Any proceedings in respect of a claim made by virtue of this section shall be brought against the chief constable for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of the chief constable; and references in the foregoing provisions of this section to the chief constable shall be construed accordingly.
- (4) The police authority may, in such cases and to such extent as they think fit, pay any damages or expenses awarded against a constable of the police force maintained for their area, or any constable for the time being required to serve with that force by virtue of section 11 of this Act ^{F1} or section 141 of the Criminal Justice and Public Order Act

Status: Point in time view as at 03/02/1995. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Police (Scotland) Act 1967 (repealed), Cross Heading: Remedies and complaints against police. (See end of Document for details)

1994], in proceedings arising from any wrongful act or omission on the part of that constable, any expenses incurred and not recovered by him in any such proceedings, and any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings.

Textual Amendments

- F1** Words in s. 39(4) inserted (3.2.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 17**; S.I. 1995/127, art. 2(1), **Sch. 1**, Appendix B (which insertion fell (22.8.1996) by reason of the repeal of 1994 c. 33, **Sch. 10 para. 17** (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 9 Pt. I**)

40 Information as to manner of dealing with complaints.

Every police authority and inspectors of constabulary shall keep themselves informed as to the manner in which complaints made by members of the public against constables are dealt with by the chief constable.

Modifications etc. (not altering text)

- C1** S. 40 power to apply conferred (31.10.1997) by 1997 c. 50, s. 39(2)(a); S.I. 1997/2390, art. 2(2)(j)

VALID FROM 01/08/1996

[40A ^{F2} Examination of handling of complaints against constables.

- (1) Where a member of the public has made a complaint to the chief constable of a police force against a constable of that force the inspectors of constabulary may, at the request of the member of the public, examine the manner in which the chief constable has dealt with the complaint.
- (2) Where the inspectors of constabulary have carried out an examination under subsection (1) above, they shall report their findings to the person who made the complaint and send a copy of that report to the chief constable and to the constable against whom the complaint was made; and they may direct the chief constable to reconsider the complaint and may instruct him to have regard, in doing so, to such further information as may have become available (whether or not as a result of the examination) after he dealt with the complaint; but no such direction shall be given as respects so much of the complaint as has been, or is, the subject of proceedings against the constable by virtue of section 26(2A)(a) of this Act.
- (3) On making a direction under subsection (2) above, the inspectors of constabulary shall notify the constable against whom the complaint was made and the person who made it that they have done so; and the outcome of any reconsideration carried out by virtue of that subsection shall be communicated forthwith to the inspectors of constabulary, who shall—
 - (a) report the outcome, and their own findings as regards the outcome, to that constable and to that person; and
 - (b) communicate those findings to the chief constable.
- (4) Where an examination has been carried out under subsection (1) above—

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- (a) the Secretary of State may require the inspectors of constabulary to submit to him, and
- (b) the police authority for the area for which the police force in question is maintained may require the inspectors of constabulary to submit to them, a written report concerning that examination and a copy of any report under subsection (3)(a) above consequent on that examination.]

Textual Amendments

F2 S. 40A inserted (1.8.1996) by 1994 c. 29, s. 61; S.I. 1996/1646, art. 2, Sch. (with art. 3)

Modifications etc. (not altering text)

C2 S. 40A power to apply conferred (31.10.1997) by 1997 c. 50, s. 39(2)(a); S.I. 1997/2390, art. 2(2)(j)

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