



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

2006 asp 10

PART 1

POLICE

CHAPTER 2

COMPLAINTS AND MISCONDUCT

Supervision of complaints

34 “Relevant complaint” and “person serving with the police”

- (1) In this Chapter, “relevant complaint” means a complaint which is [^{F1}made,] given or sent by any of the persons mentioned in subsection (6) to the appropriate authority in relation to the complaint.
- (2) In subsection (1), “complaint” means a [^{F2}statement (whether oral, written or electronic)] expressing dissatisfaction about an act or omission—
- [^{F3}(a) by the Authority;
 - (b) by the Police Service; or]
 - (f) by a person who, at the time of the act or omission, was a person serving with the police.

[^{F4}(2A) A “complaint” may relate to—

- (a) any action taken, or failed to be taken, by or on behalf of the subject of the complaint;
 - (b) the standard of any service which the subject of the complaint has provided or failed to provide.]
- (3) But “complaint” does not include—

Changes to legislation: Police, Public Order and Criminal Justice (Scotland) Act 2006, Section 34 is up to date with all changes known to be in force on or before 16 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) any statement made by a person serving with, or who has served with, the police, about the terms and conditions of that person's service with the police; or
 - (b) a statement which consists of or includes an allegation of an act or omission which constitutes a crime.
- (4) An act or omission need not be one occurring in the course of a person's duty, employment or appointment (as the case may be) in order to fall within subsection (2)(f).
- (5) A complaint need not identify a person serving with the police who is the subject of the complaint in order to fall within subsection (2)(f).
- (6) The persons referred to in subsection (1) are—
- (a) a member of the public who claims to be the person in relation to whom the act or omission took place;
 - (b) a member of the public not falling within paragraph (a) who claims to have been adversely affected by the act or omission;
 - (c) a member of the public who claims to have witnessed the act or omission;
 - (d) a person acting on behalf of a person falling within any of paragraphs (a) to (c).

^{F5}(7)

Textual Amendments

- F1** Word in s. 34(1) inserted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#) , s. 129(2) , [Sch. 7 para. 33\(2\)\(a\)](#) ; S.S.I. 2013/51 , art. 2 (with transitional provisions and savings in S.S.I. 2013/121, arts. 1(1), 11)
- F2** Words in s. 34(2) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#) , s. 129(2) , [Sch. 7 para. 33\(2\)\(b\)\(i\)](#) ; S.S.I. 2013/51 , art. 2 (with transitional provisions and savings in S.S.I. 2013/121, arts. 1(1), 11)
- F3** S. 34(2)(a)(b) substituted for s. 34(2)(a)-(e) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#) , s. 129(2) , [Sch. 7 para. 33\(2\)\(b\)\(ii\)](#) ; S.S.I. 2013/51 , art. 2 (with transitional provisions and savings in S.S.I. 2013/121, arts. 1(1), 11)
- F4** S. 34(2A) inserted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#) , s. 129(2) , [Sch. 7 para. 33\(2\)\(c\)](#) ; S.S.I. 2013/51 , art. 2 (with transitional provisions and savings in S.S.I. 2013/121, arts. 1(1), 11)
- F5** S. 34(7) 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, arts. 1(1), 11)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 47A inserted by [2023 c. 41 s. 45\(3\)](#)