



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

2006 asp 10

## PART 1

### POLICE

#### CHAPTER 2

##### COMPLAINTS AND MISCONDUCT

###### *Supervision of complaints*

### **38 Reconsideration of complaint: duties to keep persons informed**

- (1) This section applies where there is a reconsideration of a complaint in accordance with section 35.
- (2) The reconsidering authority or, where the reconsideration of a complaint is subject to a supervision requirement, the Commissioner must provide the persons mentioned in subsection (3) with all such information as will keep those persons properly informed, while the reconsideration is being carried out and subsequently, of—
  - (a) the action (if any) which is taken in respect of the matters dealt with in any report under section 40; and
  - (b) the outcome of any such action.
- (3) Those persons are—
  - (a) the complainer;
  - (b) the appropriate authority in relation to the complaint (except where that authority is the reconsidering authority); and
  - (c) where the complaint is in respect of an act or omission by a person mentioned in section 34(2)(f) and identifies the person who is the subject of it, that person.
- (4) Subsections (5) and (6) of section 35 apply in relation to the duties imposed by subsection (2) as they apply to the duties imposed by subsection (3)(a) of that section.

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**Changes to legislation:** Police, Public Order and Criminal Justice (Scotland) Act 2006, Section 38 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](#)

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- (5) A person appointed under section 37 to reconsider a complaint must provide the Commissioner with all such information as is reasonably required by the Commissioner for the purposes of the Commissioner's functions.
- (6) Where the reconsideration of a complaint is not subject to a supervision requirement the reconsidering authority must comply with any direction or guidance given by the Commissioner as to how the authority is to perform its functions under this section.

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#### **Commencement Information**

- II** S. 38 wholly in force at 1.4.2007; s. 38 not in force at Royal Assent see s. 104; s. 38(4) in force at 1.1.2007 by [S.S.I. 2006/607, art. 3, Sch](#); s. 38 in force so far as not already in force at 1.4.2007 by [S.S.I. 2007/84, art. 3\(3\)](#)

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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\(3\)](#)