



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

2006 asp 10

## PART 1

### POLICE

#### CHAPTER 2

##### COMPLAINTS AND MISCONDUCT

##### *[<sup>F1</sup>Investigations]*

#### **[<sup>F1</sup>41B Serious incidents involving the police**

- (1) A “serious incident involving the police” which the Commissioner may investigate in pursuance of paragraph (c) of section 33A is—
- (a) a circumstance in or in consequence of which a person has died or has sustained serious injury where—
    - (i) the person, at or before the time of death or serious injury, had contact (directly or indirectly) with a person serving with the police acting in the execution of that person's duties; and
    - (ii) there is an indication that the contact may have caused (directly or indirectly) or contributed to the death or serious injury;
  - (b) any other circumstance in or in consequence of which—
    - (i) a person has otherwise sustained a serious injury at a time when the person was being detained or kept in custody by a person serving with the police; or
    - (ii) a person serving with the police has used a firearm or any other weapon of such description as the Scottish Ministers may by regulations specify; or
  - (c) any other circumstance involving the Authority, the Police Service or a person serving with the police as may be specified in regulations made by the Scottish Ministers.

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**Changes to legislation:** Police, Public Order and Criminal Justice (Scotland) Act 2006, Section 41B is up to date with all changes known to be in force on or before 31 January 2024. 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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- (2) But a matter is not a “serious incident involving the police” if it is—
- (a) a matter—
    - (i) which the Commissioner is investigating in pursuance of paragraph (b)(i) of section 33A; or
    - (ii) in respect of which criminal proceedings have been brought following such an investigation by the Commissioner; or
  - (b) a matter which is being, or has been, investigated—
    - (i) by the Commissioner in pursuance of paragraph (b)(ii) of section 33A; or
    - (ii) by any other person under section 1 of the [<sup>F2</sup>Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016].]

#### Textual Amendments

- F1** S. 41B inserted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 64**, 129(2) (with [s. 100](#)); [S.S.I. 2012/253](#), [art. 2](#), [sch.](#)
- F2** Words in s. 41B(2)(b)(ii) substituted (15.6.2017) by [Inquiries into Fatal Accidents and Sudden Deaths etc. \(Scotland\) Act 2016 \(asp 2\)](#), [s. 42\(2\)](#), **sch. 2 para. 11(3)**; [S.S.I. 2017/155](#), [reg. 2](#) (with [regs. 4\(2\)5](#))

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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\(3\)](#)