



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

2006 asp 10

PART 1 **S**

POLICE

CHAPTER 2 **S**

COMPLAINTS AND MISCONDUCT

[^{F1}The Police Investigations and Review Commissioner]

Textual Amendments

- F1** S. 33 heading substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), ss. 61(2)(a), [129\(2\)](#) (with s. 100); [S.S.I. 2013/51](#), [art. 2](#) (with transitional provisions and savings in [S.S.I. 2013/121](#))

33 **[^{F2}The Police Investigations and Review Commissioner] S**

- (1) There is to be an officer known as the **[^{F3}Police Investigations and Review Commissioner]** (“the Commissioner”).
- (2) The Commissioner is to be an individual appointed by the Scottish Ministers.
- (3) Schedule 4 (which makes further provision about the Commissioner) has effect.

Textual Amendments

- F2** S. 33 provision heading substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), ss. **61(2)(b)**, [129\(2\)](#) (with s. 100); [S.S.I. 2013/51](#), [art. 2](#) (with transitional provisions and savings in [S.S.I. 2013/121](#))

Changes to legislation: Police, Public Order and Criminal Justice (Scotland) Act 2006, Cross Heading: The Police Investigations and Review Commissioner is up to date with all changes known to be in force on or before 29 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

F3 Words in s. 33(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 61(2)(c), 129(2)** (with s. 100); [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#))

[^{F4}33A **General functions of the Commissioner** **S**

The Commissioner's general functions are—

- (a) to maintain, and to secure the maintenance by the Authority and the chief constable of, suitable arrangements for—
 - (i) the handling of relevant complaints; and
 - (ii) the examination of the handling of relevant complaints and the reconsideration of such complaints in accordance with sections 34 to 41;
- (b) where directed to do so by the appropriate prosecutor—
 - (i) to investigate any circumstances in which there is an indication that a person serving with the police may have committed an offence;
 - (ii) to investigate, on behalf of the relevant procurator fiscal, the circumstances of any death involving a person serving with the police which that procurator fiscal is required to investigate under section 1 of the [^{F5}Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016];
- (c) where requested to do so by the Authority or the chief constable, to investigate and report on certain serious incidents involving the police (see section 41B); and
- (d) to investigate other matters relating to the Authority or the Police Service where the Commissioner considers that it would be in the public interest to do so (see section 41C).]

Textual Amendments

- F4** S. 33A inserted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 62, 129(2)** (with s. 100); [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#), arts. 1(1), 11)
- F5** Words in s. 33A(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(2)**; [S.S.I. 2017/155](#), **reg. 2** (with regs. 4(2)5)

Changes to legislation:

Police, Public Order and Criminal Justice (Scotland) Act 2006, Cross Heading: The Police Investigations and Review Commissioner is up to date with all changes known to be in force on or before 29 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.

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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\(3\)](#)