

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police, Public Order and Criminal Justice (Scotland) Act 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULE 4 **S** THE POLICE COMPLAINTS COMMISSIONER FOR SCOTLAND

### *Tenure and removal from office*

- 3 (1) Subject to this paragraph and paragraph 4, a person holds office as Commissioner on such terms and conditions as the Scottish Ministers may determine.
- (2) The period of a person's appointment as Commissioner is—
- (a) in the case of a first appointment, 3 years; and
  - (b) in the case of a reappointment, 2 years.
- (3) A person holding office as Commissioner may, by written notice to the Scottish Ministers, resign at any time.
- (4) The Scottish Ministers may remove a person from the office of Commissioner if satisfied that any of the grounds mentioned in sub-paragraph (5) is the case.
- (5) Those grounds are—
- (a) the person has failed without reasonable excuse to carry out the functions of the office for a continuous period of 3 months;
  - (b) the person falls within one or more of the sub-sub-paragraphs of paragraph 2(1);
  - (c) the person has, since appointment, been convicted of a criminal offence;
  - (d) the person's estate has been sequestrated or the person has been adjudged bankrupt, has made an arrangement with creditors or has granted a trust deed for creditors or a composition contract;
  - (e) the person is subject to a disqualification order under the Company Directors Disqualification Act 1986 (c. 46) or under [<sup>F1</sup>the Company Directors Disqualification (Northern Ireland) Order 2002];
  - (f) the person has acted improperly in relation to the person's duties;
  - (g) the person is otherwise unable or unfit to perform the person's duties.

#### **Textual Amendments**

- F1** Words in Sch. 4 para. 3(5)(e) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 261(3)** (with art. 10)

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