

Changes to legislation: There are currently no known outstanding effects for the Police, Public Order and Criminal Justice (Scotland) Act 2006, Paragraph 7A. (See end of Document for details)

SCHEDULE 4

[^{F1}THE POLICE INVESTIGATIONS AND REVIEW COMMISSIONER]

Textual Amendments

- F1** Sch. 4 heading substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 33\(16\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

[^{F1}Staff officers]

Textual Amendments

- F1** Sch. 4 paras. 7A, 7B and cross-headings inserted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 33\(17\)\(c\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

- 7A (1) The Commissioner may make arrangements for constables of the Police Service to be appointed to serve as members of the Commissioner's staff.
- (2) The Commissioner may make arrangements for a person falling within sub-paragraph (3) to be appointed to serve as a member of the Commissioner's staff.
- (3) A person falls within this sub-paragraph if the person is a member of—
- (a) a police force maintained under section 2 of the Police Act 1996 (c.16);
 - (b) the metropolitan police force;
 - (c) the City of London police force;
 - (d) the Police Service of Northern Ireland;
 - (e) the Ministry of Defence Police appointed on the nomination of the Secretary of State under section 1 of the Ministry of Defence Police Act 1987 (c.4);
 - (f) the British Transport Police Force;
 - (g) the Civil Nuclear Constabulary;
 - (h) the States of Jersey Police Force;
 - (i) the salaried police force of the Island of Guernsey; or
 - (j) the Isle of Man Constabulary.
- (4) A constable or other person appointed under arrangements made under sub-paragraph (1) or (2) is to be appointed on such terms and conditions (including as regards remuneration, allowances and expenses) as the Commissioner determines.
- (5) The Commissioner's determination under sub-paragraph (4) may be made by reference to provision made by regulations made under section 48 of the Police and Fire Reform (Scotland) Act 2012 (asp 8).
- (6) A constable or other person appointed under arrangements made under sub-paragraph (1) or (2)—
- (a) has all the powers and privileges of a constable throughout Scotland; and
 - (b) is subject to the direction and control of the Commissioner.
- (7) The Commissioner is liable in respect of any unlawful conduct on the part of any constable or other person appointed under arrangements made under sub-paragraph (1) or (2) in the carrying out (or purported carrying out) of that person's

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functions in the same manner as an employer is liable in respect of any unlawful conduct on the part of an employee in the course of employment.

- (8) The Scottish Ministers may by order apply any provision of the Police and Fire Reform (Scotland) Act 2012 or any other enactment relating to constables (including any such provision or other enactment creating offences against or as regards constables), with such modifications as are considered appropriate, in relation to a person appointed under arrangements made under sub-paragraph (2).]

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