

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

2006 asp 10

PART 1

POLICE

CHAPTER 2

COMPLAINTS AND MISCONDUCT

Supervision of complaints

41 Appropriate authority in relation to a complaint

- (1) For the purposes of sections 34 to 40, the appropriate authority in relation to a complaint is—
- (a) where the complaint is in respect of an act or omission of a police authority, the authority;
 - (b) where the complaint is in respect of an act or omission of a joint police board, the board;
 - (c) where the complaint is in respect of an act or omission of a police force, the chief constable of the force;
 - (d) where the complaint is in respect of an act or omission of the Authority, the Authority;
 - (e) where the complaint is in respect of an act or omission of the Agency, the Director General of the Agency;
 - (f) where the complaint is in respect of an act or omission of a person at a time when the person was a constable of a police force—
 - (i) where the person was of a senior rank, the maintaining authority in relation to the force;
 - (ii) where the person was not of such rank, the chief constable of the force;

Status: This is the original version (as it was originally enacted).

- (g) where the complaint is in respect of an act or omission of a person at a time when the person was employed or appointed by virtue of section 9 of the 1967 Act by a police authority or a joint police board, the authority or board;
 - (h) where the complaint is in respect of an act or omission of a person at a time when the person was a member of staff of the Authority, the Authority;
 - (i) where the complaint is in respect of an act or omission of a person at a time when the person was the Director General of the Agency, the Authority;
 - (j) where the complaint is in respect of an act or omission of a person at a time when the person was the Deputy Director General, a police member or a support staff member of the Agency, the Director General of the Agency.
- (2) The reference in subsection (1)(f) to a constable of a police force does not include a constable who is seconded to the Authority under paragraph 10(2) of schedule 1.
- (3) In subsection (1)(f)(i), “senior rank” means a rank above chief superintendent.
- (4) For the purpose of subsection (1)(f)(i), the maintaining authority in relation to a police force is—
- (a) where the force is for an area which is not combined by virtue of an amalgamation scheme under the 1967 Act, the police authority for that area;
 - (b) where the force is for an area consisting of police areas combined by virtue of such a scheme, the joint police board constituted under the scheme.
- (5) Despite paragraphs 7(3)(b) and (5)(a) and 8(3) of schedule 2, the reference in subsection (1)(h) to a member of staff of the Authority does not include a police member of the Agency or a support staff member of the Agency.