



Criminal Proceedings etc. (Reform) (Scotland) Act 2007

2007 asp 6

PART 5

INSPECTION OF THE CROWN OFFICE AND PROCURATOR FISCAL SERVICE

78 Appointment of Inspector

- (1) There is to be an officer known as Her Majesty's Chief Inspector of Prosecution in Scotland (in this section and section 79 referred to as the "Inspector").
- (2) The Inspector is to be an individual person appointed by the Lord Advocate.
- (3) A person—
 - (a) is to be appointed as Inspector for such period as the Lord Advocate may determine,
 - (b) may be reappointed as Inspector.
- (4) A person appointed as Inspector—
 - (a) may, by giving notice to the Lord Advocate, resign from office,
 - (b) otherwise, holds and vacates office in accordance with the terms and conditions of appointment.
- (5) Any person authorised by the Inspector for the purpose may exercise, on behalf of the Inspector, any function of the Inspector.

79 The Inspector's functions

- (1) The Inspector is to secure the inspection of the operation of the Crown Office and Procurator Fiscal Service (in this section referred to as the "Service").
- (2) The Inspector is to submit to the Lord Advocate a report on any particular matter connected with the operation of the Service which the Lord Advocate refers to the Inspector.

Status: This is the original version (as it was originally enacted).

- (3) In the exercise of the function conferred by subsection (1) or (2), the Inspector may require any person directly involved in the operation of the Service to provide the Inspector with information.
- (4) For the purposes of subsection (3), information—
 - (a) may be of a general or specific character,
 - (b) includes information in electronic or documentary form.
- (5) The Scottish Ministers may require the Inspector to provide them with details of the expenditure incurred (or to be incurred) for the purposes of the Inspector's functions.
- (6) The Inspector must submit to the Lord Advocate an annual report on the exercise of the Inspector's functions.
- (7) Before submitting a report under subsection (6), the Inspector must—
 - (a) submit a draft report to the Lord Advocate, and
 - (b) allow the Lord Advocate to comment on its contents.
- (8) The Lord Advocate must lay before the Parliament every report submitted under subsection (6).
- (9) In exercising the functions conferred on the Inspector by this section (except as relating to any administrative requirement as to reports and expenditure), the Inspector is to act independently of any other person.
- (10) In this section, references to the operation of the Service mean the operation of—
 - (a) the Service as a whole, and
 - (b) the Service from place to place, by reference to—
 - (i) Crown Office,
 - (ii) any Procurator Fiscal.