



Police and Fire Reform (Scotland) Act 2012

2012 asp 8

PART 1

POLICE REFORM

CHAPTER 2

THE POLICE SERVICE OF SCOTLAND

Functions of constables

24 Liability for unlawful conduct

- (1) The chief constable is liable in respect of any unlawful conduct on the part of any person falling within subsection (2) in the carrying out (or purported carrying out) of that person's 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.
- (2) A person falls within this subsection if the person is—
 - (a) a constable under the direction and control of the chief constable, or
 - (b) a member of an international joint investigation team who is not—
 - (i) a constable,
 - (ii) a member of the Authority's staff, or
 - (iii) a member of the police staff.
- (3) The Authority must pay—
 - (a) any damages or expenses awarded against the chief constable in any proceedings brought by virtue of this section,
 - (b) any expenses incurred by the chief constable in relation to such proceedings (in so far as not recovered in the proceedings), and

Status: This is the original version (as it was originally enacted).

- (c) any sum required in connection with the settlement of any claim against the chief constable which has or might have given rise to such proceedings (where settlement is approved by the Authority).
- (4) Where the office of chief constable is vacant, references in subsections (1) to (3) to the chief constable are to be read as references to the person who is for the time being carrying out the chief constable's functions.
- (5) The Authority may, in such cases and to such extent as it thinks fit, pay—
- (a) any damages or expenses awarded against a constable in proceedings arising in respect of any unlawful conduct on the part of that constable,
 - (b) any expenses incurred by the constable concerned in relation to such proceedings (in so far as not recovered in the proceedings),
 - (c) any sum required in connection with the settlement of any claim which has or might have given rise to such proceedings.