



# Police and Fire Reform (Scotland) Act 2012

2012 asp 8

## PART 1

### POLICE REFORM

#### CHAPTER 10

##### COMPLAINTS AND INVESTIGATIONS

#### 70 Protection from actions for defamation

After section 46 of the 2006 Act, insert—

##### “46A Protection from actions for defamation

- (1) For the purposes of the law of defamation—
- (a) any statement made by the Commissioner or any of the Commissioner's staff—
    - (i) in carrying out a complaint handling review or in carrying out an investigation in pursuance of paragraph (b), (c) or (d) of section 33A;
    - (ii) in communicating with any person for the purposes of such a review or investigation;
    - (iii) in a report on such a review or investigation; or
    - (iv) in a report made under section 43,has absolute privilege;
  - (b) any statement made to the Commissioner or any of the Commissioner's staff in relation to an investigation carried out in pursuance of paragraph (b), (c) or (d) of section 33A has absolute privilege; and
  - (c) any statement made to the Commissioner or any of the Commissioner's staff in relation to a relevant complaint or a complaint handling review

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**Status:** Point in time view as at 01/04/2013.

**Changes to legislation:** Police and Fire Reform (Scotland) Act 2012, Section 70 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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is privileged unless the statement is shown to have been made with malice.

(2) In subsection (1), “statement” has the same meaning as in the Defamation Act 1996 (c.31).”.

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**Modifications etc. (not altering text)**

**C1** Pt. 1 Ch. 10 modified (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Supplementary, Transitional, Transitory and Saving Provisions\) Order 2013 \(S.S.I. 2013/121\)](#), arts. 1(1), **16(1)-(4)**

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**Commencement Information**

**I1** S. 70 in force at 1.4.2013 by [S.S.I. 2013/51](#), **art. 2**

**Status:**

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