



# Police and Fire Reform (Scotland) Act 2012

2012 asp 8

## PART 1

### POLICE REFORM

#### CHAPTER 10

##### COMPLAINTS AND INVESTIGATIONS

#### 64 Serious incidents involving the police

After section 41A of the 2006 Act (inserted by section 63), insert—

##### “41B Serious incidents involving the police

- (1) A “serious incident involving the police” which the Commissioner may investigate in pursuance of paragraph (c) of section 33A is—
- (a) a circumstance in or in consequence of which a person has died or has sustained serious injury where—
    - (i) the person, at or before the time of death or serious injury, had contact (directly or indirectly) with a person serving with the police acting in the execution of that person’s duties; and
    - (ii) there is an indication that the contact may have caused (directly or indirectly) or contributed to the death or serious injury;
  - (b) any other circumstance in or in consequence of which—
    - (i) a person has otherwise sustained a serious injury at a time when the person was being detained or kept in custody by a person serving with the police; or
    - (ii) a person serving with the police has used a firearm or any other weapon of such description as the Scottish Ministers may by regulations specify; or

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*Status: This is the original version (as it was originally enacted).*

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- (c) any other circumstance involving the Authority, the Police Service or a person serving with the police as may be specified in regulations made by the Scottish Ministers.
- (2) But a matter is not a “serious incident involving the police” if it is—
- (a) a matter—
    - (i) which the Commissioner is investigating in pursuance of paragraph (b)(i) of section 33A; or
    - (ii) in respect of which criminal proceedings have been brought following such an investigation by the Commissioner; or
  - (b) a matter which is being, or has been, investigated—
    - (i) by the Commissioner in pursuance of paragraph (b)(ii) of section 33A; or
    - (ii) by any other person under section 1 of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c.14).”.