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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2013 No.**

**The Police Investigations and Review Commissioner  
(Investigations Procedure, Serious Incidents  
and Specified Weapons) Regulations 2013**

**Investigation of serious incidents**

4.—(1) Where the Commissioner receives a request from the Authority or the chief constable to investigate a serious incident involving the police (whether in pursuance of regulation 3 or otherwise) the Commissioner must—

- (a) decide whether to carry out an investigation; and
- (b) inform the Authority or (as the case may be) the chief constable of that decision.

(2) The Commissioner need not carry out an investigation of any serious incident involving the police unless—

- (a) it is a circumstance in or in consequence of which a person has died where—
  - (i) the person, at or before the time of death, 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
- (b) the Commissioner otherwise decides that such an investigation is necessary.

(3) Where the Commissioner decides not to carry out an investigation the Commissioner may refer the matter back to the person who requested the investigation with such recommendations as are considered appropriate.