
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

**The Police and Fire Reform (Scotland)
Act 2012 (Supplementary, Transitional,
Transitory and Saving Provisions) Order 2013**

PART 6

MISCELLANEOUS

Transitional: complaints handling

16.—(1) Paragraph (2) applies to any complaint made, given or sent to the appropriate authority in relation to the complaint on or after 1st April 2013—

- (a) in relation to an act or omission before that date of—
 - (i) a police authority;
 - (ii) a joint police board;
 - (iii) a police force;
 - (iv) a constable of a police force;
 - (v) an individual employed or appointed by virtue of section 9 of the 1967 Act;
 - (vi) a member of staff of the Scottish Police Services Authority; or
 - (vii) a member of the Scottish Crime and Drug Enforcement Agency; and
- (b) which would, if made in relation to an act or omission of the Authority, the Police Service or a person serving with the police (within the meaning given by section 34(7) of the 2006 Act), be a relevant complaint within the meaning given by Chapter 2 of Part 1 of that Act.

(2) A complaint to which this paragraph applies is to be treated, on and after 1st April 2013, as if it were a “relevant complaint” for the purposes of—

- (a) Chapter 2 of Part 1 of the 2006 Act; and
- (b) Chapter 10 of Part 1 of the 2012 Act.

(3) Paragraph (4) applies to any complaint given or sent before 1st April 2013 which was a “relevant complaint” within the meaning given by Chapter 2 of Part 1 of the 2006 Act as it had effect immediately before that date.

(4) A complaint to which this paragraph applies is to be treated, on and after 1st April 2013, as if it were a “relevant complaint” for the purposes of—

- (a) Chapter 2 of Part 1 of the 2006 Act; and
- (b) Chapter 10 of Part 1 of the 2012 Act.

(5) For the purposes of Chapter 2 of Part 1 of the 2006 Act and this article, the appropriate authority in relation to a complaint to which paragraphs (2) and (4) apply is—

- (a) the Authority where the complaint relates to an act or omission of—

- (i) a person mentioned in paragraph (1)(a)(i), (ii) or (vi);
 - (ii) an individual who, when the act or omission occurred, was a constable of a police force of a rank above chief superintendent; or
 - (iii) an individual who, when the act or omission occurred, was the Director General of the Scottish Crime and Drug Enforcement Agency; and
- (b) the chief constable where the complaint relates to an act or omission of—
- (i) a body mentioned in paragraph (1)(a)(iii);
 - (ii) an individual who, when the act or omission occurred, was a constable of a police force of a rank of or below chief superintendent;
 - (iii) an individual mentioned in paragraph (1)(a)(v); or
 - (iv) an individual who, when the act or omission occurred, was a member of the Scottish Crime and Drug Enforcement Agency other than the Director General.