



Police and Magistrates' Courts Act 1994

1994 CHAPTER 29

PART II

POLICE (SCOTLAND)

61 Examination of handling of complaints against constables.

After section 40 of the 1967 Act there shall be inserted—

“40A Examination of handling of complaints against constables.

- (1) Where a member of the public has made a complaint to the chief constable of a police force against a constable of that force the inspectors of constabulary may, at the request of the member of the public, examine the manner in which the chief constable has dealt with the complaint.
- (2) Where the inspectors of constabulary have carried out an examination under subsection (1) above, they shall report their findings to the person who made the complaint and send a copy of that report to the chief constable and to the constable against whom the complaint was made; and they may direct the chief constable to reconsider the complaint and may instruct him to have regard, in doing so, to such further information as may have become available (whether or not as a result of the examination) after he dealt with the complaint; but no such direction shall be given as respects so much of the complaint as has been, or is, the subject of proceedings against the constable by virtue of section 26(2A) (a) of this Act.
- (3) On making a direction under subsection (2) above, the inspectors of constabulary shall notify the constable against whom the complaint was made and the person who made it that they have done so; and the outcome of any reconsideration carried out by virtue of that subsection shall be communicated forthwith to the inspectors of constabulary, who shall—
 - (a) report the outcome, and their own findings as regards the outcome, to that constable and to that person; and

Changes to legislation: There are currently no known outstanding effects for the Police and Magistrates' Courts Act 1994, Section 61. (See end of Document for details)

- (b) communicate those findings to the chief constable.
- (4) Where an examination has been carried out under subsection (1) above—
- (a) the Secretary of State may require the inspectors of constabulary to submit to him, and
 - (b) the police authority for the area for which the police force in question is maintained may require the inspectors of constabulary to submit to them,
- a written report concerning that examination and a copy of any report under subsection (3)(a) above consequent on that examination.”

Commencement Information

- II** S. 61 wholly in force at 1.8.1996; s. 61 not in force at Royal Assent, see s. 94(1); s. 61 in force (1.8.1996) by S.I. 1996/1646, art. 2, Sch. (with savings in art. 4)

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