

Police (Ethics, Conduct and Scrutiny) (Scotland) Bill

Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Code of Ethics

1, 48, 2, 49, 3, 4, 50

Duty of Candour

5, 6, 7, 8, 9, 10, 11

Vetting of constables and police staff

43, 44, 45, 46, 47

Disciplinary and misconduct processes

12, 13, 51, 14, 52, 53, 54, 55, 56, 15, 58, 57, 26, 27, 28, 29, 30, 31, 32

Advisory and barred lists

16, 17, 18, 19, 59, 20, 21, 22, 23, 24, 25

Misconduct in public office

60, 61

Body-worn cameras

62

Procedures for complaints handling reviews and call-in

33, 63, 34, 35, 36, 64, 37, 38

Review of practices and procedures by PIRC - involvement of HMICS

39, 40

Reports by PIRC

66, 67

FAIs into police deaths

41, 42, 65

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Amendments in debating order

Code of Ethics

Angela Constance

1 In section 2, page 2, line 6, at end insert—

<(ba) the European Code of Police Ethics adopted as Recommendation Rec(2001)10 of the Committee of Ministers to member states on the European Code of Police Ethics, by the Committee of Ministers on 19 September 2001 at the 765th meeting of the Ministers' deputies,

(bb) the United Nations' Code of Conduct for Law Enforcement Officials, adopted by General Assembly resolution 34/169 of 17 December 1979,

(bc) the United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990,>

Katy Clark

48 In section 2, page 2, line 6, at end insert—

<(ba) the Equality Act 2010,>

Angela Constance

2 In section 2, page 2, line 8, after <1998,> insert—

<(ca) the rights and obligations set out in the schedule of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024,>

Katy Clark

49 In section 2, page 3, line 3, at end insert—

<(2A) a statement under subsection (2)(c)(ii) must include—

(a) details of any representations made to revise the code of ethics that have not resulted in revisions being made, and

(b) the reasons for not making these revisions.>

Angela Constance

3 In section 2, page 3, line 28, at end insert—

<4A The Scottish Commission for Human Rights.

4B The Commission for Equality and Human Rights.>

Sharon Dowey

4 In section 2, page 4, line 4, after <identity> insert <,

11 Such persons as appear to the chief constable to be representative of individuals who have made a complaint against the Police Service>

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Sharon Dowey

50 After section 2, insert—

<Code of ethics: review of policies, procedures, and guidance

- (1) The chief constable must undertake a review of the policies, procedures and guidance that relate to discipline and conduct in the Police Service.
- (2) The review under subsection (1) must consider what changes are required to those policies, procedures and guidance to reflect the Code of Ethics for Policing in Scotland.
- (3) Any changes identified under subsection (2) must be implemented within one year of Royal Assent.>

Duty of Candour

Angela Constance

5 In section 3, page 4, line 12, leave out <investigations against constables> and insert <all investigations>

Sharon Dowey

6 In section 3, page 4, line 12, at end insert—

<() In regulation 3 of the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013 (S.S.I. 2013/62) (application), after paragraph (2), insert—

- “(3) The Standard of Professional Behaviour of Candour, as set out in schedule 1, does not apply to a constable who is suspected of having committed a criminal offence.”>

Angela Constance

7 In section 3, page 4, line 18, after <Service> insert <subject, in particular, to the reasonable assertion of the privilege against self-incrimination>

Angela Constance

8 In section 3, page 4, line 20, leave out <investigations against constables> and insert <all investigations>

Sharon Dowey

9 In section 3, page 4, line 21, at end insert—

<() In regulation 3 of the Police Service of Scotland (Conduct) Regulations 2014 (S.S.I. 2014/68) (application), after paragraph (2), insert—

- “(3) The Standard of Professional Behaviour of Candour, as set out in schedule 1, does not apply to a constable who is suspected of having committed a criminal offence.”>

THIS IS NOT THE MARSHALLED LIST

Angela Constance

- 10 In section 3, page 4, line 27, after <Service> insert <subject, in particular, to the reasonable assertion of the privilege against self-incrimination.>

Angela Constance

- 11 In section 3, page 4, line 29, leave out <investigations against constables> and insert <all investigations>

Vetting of constables and police staff

Angela Constance

- 43 After section 3, insert—

<Police vetting

Vetting code of practice

- (1) The 2012 Act is amended as follows.
- (2) In Part 1, after Chapter 4A (inserted by section 2), insert—

“CHAPTER 4B

VETTING CODE OF PRACTICE

36C Vetting code of practice

- (1) The chief constable must prepare a code of practice for the vetting of constables and police staff (referred to in this section and section 36D as “the vetting code of practice”).
- (2) The chief constable must prepare the vetting code of practice as soon as is reasonably practicable after section (*Vetting code of practice*) of the Police (Ethics, Conduct and Scrutiny) (Scotland) Act 2024 comes into force but —
 - (a) the chief constable is not to carry out any consultation under section 36D(1) until the chief constable has, in accordance with section 54(2)(a)(i), received a draft of the first set of regulations to be made under section 48 in pursuance of section 50A (ongoing vetting of constables),
 - (b) the vetting code of practice does not have effect until those regulations come into force.
- (3) In this section, “vetting” is an assessment as to a person’s suitability, having regard, insofar as they relate to the ethical standards and behaviour expected of constables or (as the case may be) police staff, to the person’s character and personal circumstances, to—
 - (a) hold the office of constable or a particular rank or role,
 - (b) be a member of police staff or to hold a particular role as a member of police staff.

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- (4) The vetting code of practice must, in respect of the vetting of police staff, provide for—
 - (a) a person to undergo vetting—
 - (i) periodically, and
 - (ii) if a reason to do so arises,
 - (b) circumstances in which a person who has undergone vetting is to be—
 - (i) required to comply with conditions (including as to the person's personal circumstances),
 - (ii) redeployed,
 - (iii) demoted,
 - (iv) dismissed (with or without notice).
- (5) Provision in the vetting code of practice about the vetting of constables and police staff may, in particular, include provision about—
 - (a) the frequency of vetting of a person (but see also section 50A(2)(c)),
 - (b) circumstances in which there will or may be a reason to carry out vetting,
 - (c) different categories of vetting to be carried out in different circumstances,
 - (d) steps that may be taken where certain information is disclosed by vetting.
- (6) But the code may not include any provision which is inconsistent with provision in regulations made under section 48 in pursuance of section 50A (ongoing vetting of constables).
- (7) The chief constable may prepare more than one vetting code of practice in order to make different provision for different categories of person, roles or other purposes, and a reference to the vetting code of practice in this section or in section 36D is to be construed accordingly.
- (8) The chief constable must involve the Authority in the preparation of the vetting code of practice and the Authority must provide the chief constable with such assistance as the chief constable may reasonably require in that regard.
- (9) The chief constable must—
 - (a) publish the vetting code of practice on a website maintained by or on behalf of the Police Service and in such other manner as the chief constable considers appropriate, and
 - (b) lay a copy of it before the Scottish Parliament.

36D Preparation and revision of the code of vetting practice

- (1) When preparing the vetting code of practice under section 36C(1), the chief constable must—
 - (a) consult and share a draft with—
 - (i) the Scottish Ministers,
 - (ii) His Majesty's Inspectorate of Constabulary in Scotland,
 - (iii) the joint central committee of the Police Federation for Scotland,

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- (iv) such persons as appear to the chief constable to be representative of senior officers,
 - (v) such persons as appear to the chief constable to be representative of superintendents (including chief superintendents),
 - (vi) such persons as appear to the chief constable to represent the collective interests of police staff,
 - (vii) such persons as appear to the chief constable to represent groups of individual constables or members of police staff, or both, characterised by reference to one or more of the following characteristics—
 - (A) disability,
 - (B) race, colour, nationality, or ethnic or national origins,
 - (C) religion,
 - (D) sex,
 - (E) sexual orientation,
 - (F) transgender identity,
 - (viii) such other persons as the chief constable considers appropriate, and
- (b) consider any representations made.
- (2) The chief constable—
- (a) may review the vetting code of practice from time to time,
 - (b) must review it at least once during each 5 year period beginning with the day on which the code, a revised code or a statement under paragraph (c)(ii) is laid, and
 - (c) following such a review, must—
 - (i) revise the vetting code of practice, or
 - (ii) lay a statement before the Scottish Parliament that, having undertaken a review, the chief constable has concluded that there is no need to revise it.
- (3) Section 36C(2) to (9) and subsections (1) and (2) apply to a revised vetting code of practice as they apply to the vetting code of practice prepared under section 36C(1).”>

Angela Constance

44 After section 3, insert—

<Procedures for vetting

- (1) The 2012 Act is amended as follows.
- (2) After section 50, insert—

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“50A Ongoing vetting

- (1) Regulations made under section 48 must provide for—
 - (a) constables to undergo vetting—
 - (i) periodically, and
 - (ii) if a reason to do so arises,
 - (b) circumstances in which a constable who has undergone vetting is to be—
 - (i) demoted,
 - (ii) dismissed (with or without notice).
- (2) Such regulations may make provision for—
 - (a) circumstances other than those mentioned in subsection (1)(a) in which constables must undergo vetting,
 - (b) the process to be followed in the carrying out of vetting,
 - (c) a minimum frequency for vetting of individual constables,
 - (d) vetting to be carried out by a person holding such office, rank or role as is specified in the regulations,
 - (e) a duty for constables to disclose such changes in their personal circumstances as are specified in the regulations,
 - (f) a duty for constables to co-operate with any vetting they undergo,
 - (g) circumstances in which a constable who has undergone vetting is to be—
 - (i) required to comply with conditions (including as to the constable's personal circumstances),
 - (ii) redeployed,
 - (h) appeals against determinations mentioned in subsection (1)(b) and paragraph (g),
 - (i) circumstances in which constables may, pending the completion of vetting or an appeal, be—
 - (i) required to comply with conditions (including as to the person's personal circumstances),
 - (ii) suspended from duty,
 - (iii) redeployed,
 - (j) the steps to be taken if a matter which is or may be the subject of a person's vetting is or may be the subject of —
 - (i) criminal proceedings,
 - (ii) proceedings for dealing with a constable whose standard of behaviour or performance is unsatisfactory brought under procedures set out in regulations made under section 48.
- (3) In this section, “vetting” is an assessment as to a constable's suitability, having regard, insofar as they relate to the ethical standards and behaviour expected of constables, to the constable's character and personal circumstances, to hold the office of constable or a particular rank or role.”.>

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Angela Constance

- 45 In section 7, page 6, line 21, leave out <or>

Angela Constance

- 46 In section 7, page 6, line 24, at end insert <, or
(c) the person is dismissed as a constable after undergoing vetting, within the meaning of section 50A(3), in accordance with regulations made under section 48.>

Angela Constance

- 47 In the long title, page 1, line 2, after <police;> insert <to make provision about vetting of constables and police staff;>

Disciplinary and misconduct processes

Sharon Dowey

- 12 In section 6, page 5, line 25, leave out <may> and insert <must>

Sharon Dowey

- 13 In section 6, page 5, line 26, after <time,> insert <not exceeding one year,>

Sharon Dowey

- 51 In section 6, page 5, line 30, at end insert—
<(2B) In subsection (2A)(b), criteria specified must include that where—
(a) it would be in the public interest for the procedures to apply to the person, and
(b) an investigation into the allegation of unsatisfactory behaviour would, if proven, result in the person being entered on the advisory list or barred list,
the procedures under subsection (2A) continue to apply at any time after the person has ceased to be a constable.”>

Sharon Dowey

- 14 In section 6, page 5, line 30, at end insert—
<(2B) In subsection (2A)(b), criteria specified must include that it would be in the public interest for the procedures to apply to the person.”>

Sharon Dowey

- 52 In section 6, page 5, line 30, at end insert—
<(2B) The period of time provided under (2A)(b) does not apply where the allegation of unsatisfactory behaviour includes behaviour that may amount to a criminal offence.”>

THIS IS NOT THE MARSHALLED LIST

Sharon Dowey

53 In section 6, page 5, line 31, at end insert—

<“(4A) Such regulations must provide that where a person ceases to be a constable after an allegation of unsatisfactory behaviour has been made, the person must be given notice that the disciplinary proceedings will continue in their absence if they do not engage.”>

Sharon Dowey

54 After section 6, insert—

<Procedure for misconduct: criminal and conduct proceedings

- (1) The 2012 Act is amended as follows.
- (2) In section 52 (disciplinary procedures: conduct and performance), after subsection (3) insert—

“(3A) Such regulations must provide that disciplinary proceedings will continue notwithstanding the fact that criminal proceedings are ongoing in relation to the constable’s behaviour.

(3B) Where both disciplinary proceedings and criminal proceedings are being undertaken in relation to the behaviour of a constable, such regulations must provide that any evidence or outcomes of the disciplinary proceedings will not be published until after the criminal proceedings have concluded.”>

Sharon Dowey

55 After section 6, insert—

<Procedures for misconduct: timescales

- (1) The 2012 Act is amended as follows.
- (2) In section 52 (disciplinary procedures: conduct and performance), after subsection (3) insert—

“(3A) Such regulations must include timescales for the completion of—

- (a) investigations into allegations of unsatisfactory behaviour,
- (b) disciplinary procedures.”>

Pauline McNeill

56 After section 6, insert—

<Procedures for misconduct: timescales

In section 52 of the 2012 Act (disciplinary procedures: conduct and performance), after subsection (5) (inserted by section 6), insert—

“(6) Subject to subsection (7), procedures set out under such regulations must, where the allegation is of behaviour which would amount to gross misconduct, be—

- (a) commenced within 12 months of the alleged unsatisfactory behaviour,
- (b) concluded within 12 months of commencement.

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- (7) The timescales set out in subsection (6) may be disregarded in relation to an allegation that the Police Investigations and Review Commissioner considers—
- (a) is serious and exceptional,
 - (b) is likely to damage public confidence in policing, and
 - (c) would be reasonable and proportionate to disregard the relevant timescale in relation to.”.>

Sharon Dowey

15 After section 6, insert—

<Chief constable’s power to dismiss constables on grounds of conduct or behaviour

- (1) The 2012 Act is amended as follows.
- (2) After section 52 (disciplinary procedures: conduct and performance), insert—

“52A Chief constable’s power to dismiss

The chief constable may dismiss (with or without notice) any constable whose compliance with the—

- (a) standards of behaviour set out in regulations under section 48,
- (b) code of ethics prepared under section 36A,

the chief constable considers to be unacceptable.”.>

Sharon Dowey

58 After section 6, insert—

<Chief constable’s power to dismiss constables on grounds of conduct or behaviour

- (1) The 2012 Act is amended as follows.
- (2) After section 52 (disciplinary procedures: conduct and performance), insert—

“52A Chief constable’s power to dismiss

- (1) The chief constable may dismiss (with or without notice) any constable whose compliance with the—

- (a) standards of behaviour set out in regulations under section 52,
- (b) code of ethics prepared under section 36A,

the chief constable considers to be unacceptable.

- (2) Where the chief constable dismisses a constable under subsection (1), the chief constable must provide the constable with written reasons for dismissal.
- (3) The chief constable must prepare and publish guidance on the use of the power to dismiss under subsection (1).”.>

Russell Findlay

57 After section 6, insert—

<Chief constable’s power to dismiss constables on grounds of conduct or behaviour

- (1) The 2012 Act is amended as follows.

THIS IS NOT THE MARSHALLED LIST

(2) After section 52 (disciplinary procedures: conduct and performance), insert—

“52A Chief constable’s power to dismiss

- (1) The chief constable may dismiss (with or without notice) any constable whose compliance with the standards of behaviour set out in regulations under section 48 the chief constable considers to amount to gross misconduct.
- (2) The chief constable may dismiss a constable under subsection (1) notwithstanding the fact that criminal proceedings are ongoing in relation to the constable’s behaviour.
- (3) In this section, “gross misconduct” means a breach of the standards of behaviour referred to in section 52(2)(a)(i) so serious that demotion in rank or dismissal would be justified.”.>

Sharon Dowey

26 In section 8, page 7, line 37, leave out <senior officer> and insert <constable>

Sharon Dowey

27 In section 8, page 7, line 38, leave out <senior officer> and insert <constable>

Sharon Dowey

28 In section 8, page 8, line 1, leave out <or senior officer>

Sharon Dowey

29 In section 8, page 8, line 2, leave our <or a senior officer, as the case may be>

Sharon Dowey

30 After section 8, insert—

<Procedures for misconduct: suspension

In section 52 of the 2012 Act (disciplinary procedures: conduct and performance), after subsection (2), insert—

“(2B) For the purposes of subsection (2)(b), such regulations may only provide for automatic suspension from duty of a constable where the investigation relates to—

- (a) gross misconduct, or
- (b) a criminal offence.”.>

Sharon Dowey

31 After section 8, insert—

<Procedures for misconduct: notification

In section 52 of the 2012 Act (disciplinary procedures: conduct and performance), after subsection (3), insert—

THIS IS NOT THE MARSHALLED LIST

“(3A) Such regulations must provide for a constable to be notified as soon as an investigation into their standard of behaviour has commenced.”>

Sharon Dowey

32 After section 8, insert—

<Procedures for misconduct: criminal proceedings

In section 52 of the 2012 Act (disciplinary procedures: conduct and performance), after subsection (3), insert—

“(3A) For the avoidance of doubt, the procedures established under such regulations may apply to a constable during any period where criminal investigations or proceedings are ongoing in relation to that constable.”>

Advisory and barred lists

Sharon Dowey

16 In section 7, page 6, line 24, at end insert—

<(4A) The Authority—

- (a) may not publish the advisory list, and
- (b) must take steps to ensure that information about a person which is included in the advisory list is not made publicly available.>

Sharon Dowey

17 In section 7, page 6, line 24, at end insert—

<(4B) The following persons must consult the advisory list and the barred list before employing or otherwise appointing a person—

- (a) the Authority,
- (b) His Majesty’s Inspectorate of Constabulary in Scotland,
- (c) the Police Service of Scotland,
- (d) the Police Investigations and Review Commissioner.>

Sharon Dowey

18 In section 7, page 6, line 24, at end insert—

<(4C) The Scottish Ministers must by regulations make provision for notice to be given to a person who is to be entered in or removed from, the advisory list or the barred list.>

Sharon Dowey

19 In section 7, page 6, line 24, at end insert—

<(4D) The Scottish Ministers must by regulations make provision for a person to request a review of the decision to enter them in to the advisory list or the barred list.

THIS IS NOT THE MARSHALLED LIST

- (4E) Regulations under subsection 4D may provide for the ability to request a review only where the person has engaged with or is continuing to engage with disciplinary proceedings.>

Sharon Dowey

- 59 In section 7, page 6, line 24, at end insert—

<(4F) Where disciplinary proceedings have not concluded when the person ceases to be a constable, the person may only request a review where they have continued to engage with disciplinary proceedings until a decision is reached.>

Sharon Dowey

- 20 In section 7, page 6, leave out lines 35 and 36.

Sharon Dowey

- 21 In section 7, page 6, leave out lines 41 and 42

Sharon Dowey

- 22 In section 7, page 7, line 2, leave out <or published>

Sharon Dowey

- 23 In section 7, page 7, line 3, at end insert—

<(ga) circumstances in which information about a person which is included in the barred list may be published by the Authority,>

Sharon Dowey

- 24 In section 7, page 7, line 24, after <section> insert <59A(4C) and>

Sharon Dowey

- 25 In section 7, page 7, line 24, after <section> insert <59A(4D) and>

Misconduct in public office

Russell Findlay

- 60 After section 8, insert—

<Police misconduct in public office offence

The Scottish Ministers must, no later than one year after the date of Royal Assent, introduce an offence of misconduct in public office where the person in public office is a constable or police staff.>

Russell Findlay

- 61 After section 8, insert—

THIS IS NOT THE MARSHALLED LIST

<Police misconduct in public office report

- (1) The Scottish Ministers must prepare and publish a report on police misconduct in public office.
- (2) The report under subsection (1) must be published no later than one year after the date of Royal Assent.
- (3) The report under subsection (1) must, in particular, set out—
 - (a) whether the Scottish Ministers consider there should be a statutory offence of misconduct in public office in relation to the police, and
 - (b) if so, what steps the Scottish Ministers will take to introduce such an offence.
- (4) The Scottish Ministers must lay the report under subsection (1) before the Scottish Parliament.>

Body-worn cameras

Russell Findlay

62 After section 8, insert—

<Report on body-worn cameras

- (1) The Scottish Ministers must prepare and publish a report on the effectiveness of constables using body-worn cameras in monitoring and enforcing standards of behaviour.
- (2) The report under subsection (1) must be published no later than one year after the earlier of—
 - (a) Royal Assent, or
 - (b) the conclusion of a pilot of the use of body-worn cameras by the Police Service of Scotland.
- (3) The report under subsection (1) must, in particular, set out—
 - (a) whether the Scottish Ministers consider that the use of body-worn cameras by constables would improve the monitoring and enforcement of standards of behaviour, and
 - (b) if so, what steps the Scottish Ministers will take to promote the use of body-worn cameras by constables.
- (4) The Scottish Ministers must lay the report under subsection (1) before the Scottish Parliament.>

Procedures for complaints handling reviews and call-in

Sharon Dowey

33 In section 11, page 8, line 32, at end insert—

- <(1B) Where the Commissioner carries out a complaint handling review under subsection (1A), the Commissioner must notify the complainer of the decision to carry out a complaint handling review.”>

THIS IS NOT THE MARSHALLED LIST

Katy Clark

63 In section 11, page 9, line 10, at end insert—

<(4AA) Any response under subsection (4A)(a) must include an Equality Impact Assessment prepared by the authority in relation to the response or proposed response to the recommendation.>

Angela Constance

34 In section 11, page 9, line 11, leave out from <may,> to <response> in line 12 and insert <must, as soon as reasonably practicable after receiving the response, publish it>

Angela Constance

35 In section 11, page 9, line 13, at end insert—

<(4C) But the Commissioner—

- (a) must withhold from publication any information in the response which would identify an individual (other than the chief constable),
- (b) may withhold the whole or part of the response from publication if the Commissioner considers that it is in the public interest to do so.>

Sharon Dowey

36 In section 12, page 10, line 19, at end insert—

<(6A) The Scottish Ministers must by regulations make provision requiring persons to provide documentation to the Commissioner when requested to assist investigation of a complaint.>

Katy Clark

64 In section 12, page 11, line 10, at end insert—

<(3A) Any response under subsection (3)(a) must include an Equality Impact Assessment prepared by the authority in relation to the response or proposed response to the recommendation.>

Angela Constance

37 In section 12, page 11, line 11, leave out from <may,> to <response> in line 12 and insert <must, as soon as reasonably practicable after receiving the response, publish it>

Angela Constance

38 In section 12, page 11, line 13, at end insert—

<(4A) But the Commissioner—

- (a) must withhold from publication any information in the response which would identify an individual (other than the chief constable),
- (b) may withhold the whole or part of the response from publication if the Commissioner considers that it is in the public interest to do so.>

THIS IS NOT THE MARSHALLED LIST

Review of practices and procedures by PIRC - involvement of HMICS

Sharon Dowey

39 In section 15, page 15, line 9, at end insert—

<(za) consult His Majesty’s Inspectorate of Constabulary in Scotland,>

Sharon Dowey

40 In section 15, page 15, line 35, at end insert—

<(9) The Commissioner must assist His Majesty’s Inspectorate of Constabulary in Scotland with any work related to the review.>

Reports by PIRC

Russell Findlay

66 After section 17, insert—

<Reporting

(1) In section 43 of the 2006 Act (reports to the Scottish Ministers)—

(a) in subsection (1), the words “to the Scottish Ministers” are repealed,

(b) in subsection (2), the words “to the Scottish Ministers” are repealed,

(c) in subsection (3)—

(i) in the opening words—

(A) the words “to the Scottish Ministers” are repealed,

(B) the word “their” is repealed,

(ii) in paragraph (b)—

(A) the words “be drawn to their attention” are repealed,

(B) after “circumstances”, insert “be reported on”,

(d) for subsection (5), substitute—

“(5) A report under this section must be laid before the Parliament and published.”.

(2) The title of that section becomes “**Reports to the Scottish Parliament**”.>

Russell Findlay

67 After section 17, insert—

<Reporting

In section 43(5) of the 2006 Act (reports to the Scottish Ministers)—

(a) after “of”, insert “every report under this section received by them.”,

(b) paragraphs (a) and (b) are repealed.>

THIS IS NOT THE MARSHALLED LIST

FAIs into police deaths

Sharon Dowey

Supported by: Russell Findlay

41 After section 17, insert—

<Inquiry into certain deaths

Fatal accident inquiries: constable suicides

- (1) The Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 is amended as follows.
- (2) In section 2 (mandatory inquiries)—
 - (a) in subsection (1), for “or (4)” substitute “, (4) or (4A)”,
 - (b) after subsection (4), insert—

“(4A) The death of a person is within this subsection if—

 - (a) at the time of death or within a period of one year prior to death—
 - (i) the person was a constable in the Scottish Police Authority,
 - (ii) the person was subject to misconduct proceedings, and
 - (c) the death was or is suspected to have been a suicide.”.
- (3) In section 4 (discretionary inquiries), for “section 2(3) or (4)” substitute “section 2(3), (4), or (4A)”.>

Sharon Dowey

42 After section 17, insert—

<Inquiry into certain deaths

Fatal accident inquiries: constable suicides

- (1) The Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 is amended as follows.
- (2) In section 2 (mandatory inquiries)—
 - (a) in subsection (1), for “or (4)” substitute “, (4) or (4A)”,
 - (b) after subsection (4), insert—

“(4A) The death of a person is within this subsection if—

 - (a) at the time of death or within a period of one year prior to death—
 - (i) the person was a constable in the Scottish Police Authority,
 - (ii) the person was subject to misconduct proceedings, and
 - (c) the death was or is suspected to have been a suicide, and
 - (d) the family of the person who has died has requested an inquiry into the death.”.
- (3) In section 4 (discretionary inquiries), for “section 2(3) or (4)” substitute “section 2(3), (4), or (4A)”.>

THIS IS NOT THE MARSHALLED LIST

Russell Findlay

65 After section 17, insert—

<Inquiry into certain deaths

Fatal accident inquiries: constable deaths

- (1) The Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 is amended as follows.
- (2) In section 2 (mandatory inquiries)—
 - (a) in subsection (1), for “or (4)” substitute “, (4) or (4A)”,
 - (b) after subsection (4), insert—

“(4A) The death of a person is within this subsection if—

 - (a) the death occurred while the person was acting in the course of the person's employment as a constable in the Scottish Police Authority, and
 - (b) the misconduct of constables was or may have been a contributing factor in the death.”.
- (3) In section 4 (discretionary inquiries), in subsection (2), for “section 2(3) or (4)” substitute “section 2(3), (4), or (4A)”.>

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