



# Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016

## 2016 asp 2

### *Inquiries into deaths occurring abroad*

#### **6 Inquiries into deaths occurring abroad: general**

- (1) Subsection (3) applies to the death of a person if—
  - (a) the death occurred outwith the United Kingdom, and
  - (b) at the time of death, the person was ordinarily resident in Scotland.
- (2) But that subsection does not apply to the death of a person within section 12(2) or (3) of the Coroners and Justice Act 2009 (investigation in Scotland of deaths of service personnel abroad).
- (3) An inquiry is to be held into a death to which this subsection applies if the Lord Advocate—
  - (a) considers that the death—
    - (i) was sudden, suspicious or unexplained, or
    - (ii) occurred in circumstances giving rise to serious public concern,
  - (b) considers that the circumstances of the death have not been sufficiently established in the course of an investigation in relation to the death,
  - (c) considers that there is a real prospect that those circumstances would be sufficiently established in an inquiry, and
  - (d) decides that it is in the public interest for an inquiry to be held into the circumstances of the death.

#### **Commencement Information**

**II** S. 6 in force at 15.6.2017 by S.S.I. 2017/155, [reg. 2](#) (with [reg. 5](#))

#### **7 Inquiries into deaths occurring abroad: service personnel**

- (1) An inquiry is to be held into the death of a person if—

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**Changes to legislation:** *There are currently no known outstanding effects for the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, Cross Heading: Inquiries into deaths occurring abroad. (See end of Document for details)*

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- (a) the Lord Advocate is notified in relation to the death under section 12(4) or (5) of the Coroners and Justice Act 2009 (investigation in Scotland of deaths of service personnel abroad),
  - (b) the death is within subsection (2) or (3), and
  - (c) the Lord Advocate—
    - (i) decides that it is in the public interest for an inquiry to be held into the circumstances of the death, and
    - (ii) does not reverse that decision.
- (2) The death of a person is within this subsection if the person was, at the time of death, in custody in circumstances analogous to legal custody (as construed by reference to section 2(5)).
- (3) The death of a person is within this subsection if the Lord Advocate considers that the death—
- (a) was sudden, suspicious or unexplained, or
  - (b) occurred in circumstances giving rise to serious public concern.
- (4) But this section does not apply to a death within subsection (2) if the Lord Advocate is satisfied that the circumstances of the death have been sufficiently established in the course of any criminal proceedings against any person in respect of the death.

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**Commencement Information**

**I2** S. 7 in force at 15.6.2017 by S.S.I. 2017/155, reg. 2 (with reg. 5)

**Changes to legislation:**

There are currently no known outstanding effects for the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, Cross Heading: Inquiries into deaths occurring abroad.