



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

2016 asp 2

Location

12 Places at which inquiries may be held

- (1) The Scottish Ministers may by regulations designate places at which a sheriff court may be held for the purposes of this Act (in addition to the places designated by virtue of the Courts Reform (Scotland) Act 2014 for the holding of sheriff courts).
- (2) The Scottish Ministers may make regulations under subsection (1) only following the submission of a proposal under subsection (3).
- (3) The Scottish Courts and Tribunals Service (“the SCTS”) may, with the agreement of the Lord President of the Court of Session, submit a proposal to the Scottish Ministers for the making of regulations under subsection (1).
- (4) Before submitting a proposal to the Scottish Ministers, the SCTS must consult such persons as it considers appropriate.
- (5) If, following the submission of a proposal, the Scottish Ministers decide to make regulations, they must have regard to the proposal in deciding what provision to make in the regulations.
- (6) The Scottish Ministers may make regulations under subsection (1) only with the consent of—
 - (a) the Lord President, and
 - (b) the SCTS.
- (7) Regulations under subsection (1)—
 - (a) may make transitional, transitory or saving provision,
 - (b) are subject to the affirmative procedure.

Commencement Information

11 S. 12 in force at 1.9.2016 by S.S.I. 2016/196, reg. 2(b)

Status: Point in time view as at 01/09/2016. This version of this cross heading contains provisions that are not valid for this point in time.

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: Location. (See end of Document for details)

VALID FROM 01/12/2016

13 Jurisdiction in relation to inquiries

- (1) Inquiry proceedings may be held in a sheriffdom whether or not there is a connection between the death, or any accident resulting in the death, to which the inquiry relates and the sheriffdom, and a sheriff of the sheriffdom accordingly has jurisdiction in relation to the proceedings.
- (2) The Lord Advocate is, after consulting the Scottish Courts and Tribunals Service, to choose the sheriffdom in which proceedings are to be held.
- (3) But the sheriff may make an order transferring the proceedings to a sheriff of another sheriffdom.
- (4) The sheriff may make an order under subsection (3) only—
 - (a) after giving the procurator fiscal and the participants in the inquiry an opportunity to make representations about the proposed transfer, and
 - (b) with the consent of—
 - (i) the sheriff principal of the sheriffdom of which the sheriff is a sheriff, and
 - (ii) the sheriff principal of the sheriffdom to which the sheriff proposes to transfer the proceedings.
- (5) The sheriff may make such an order—
 - (a) on the sheriff's own initiative, or
 - (b) on the application of the procurator fiscal or a participant in the inquiry.

Status:

Point in time view as at 01/09/2016. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:

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