



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

## 2016 asp 2

### *Further inquiry proceedings*

#### **31 Precognition of witnesses**

- (1) Subsection (2) applies where the Lord Advocate is considering whether further inquiry proceedings should be held in relation to the death of a person.
- (2) The procurator fiscal may cite a person to attend for precognition in connection with that consideration.
- (3) This section is sufficient warrant for such citation.
- (4) Subsection (5) applies where a person cited under subsection (2)—
  - (a) having been given reasonable notice in the citation, and without reasonable excuse, fails to attend for precognition at the time and place mentioned in the citation, or
  - (b) does so attend but refuses to give information which is—
    - (i) within the person's knowledge, and
    - (ii) relevant to the Lord Advocate's consideration.
- (5) The sheriff may, on the application of the procurator fiscal, make an order requiring the person to attend for precognition or, as the case may be, give the information at a time and place specified in the order.
- (6) A person who fails to comply with an order under subsection (5) commits an offence.
- (7) A person who commits an offence under subsection (6) is liable on summary conviction to imprisonment for a term not exceeding 21 days or a fine not exceeding level 3 on the standard scale (or both).
- (8) In this section and section 32, references to the sheriff are references to a sheriff of the sheriffdom in which the inquiry into the person's death was held.

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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, Section 31. (See end of Document for details)

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#### Commencement Information

**II** [S. 31](#) in force at 15.6.2017 by [S.S.I. 2017/155](#), [reg. 2](#) (with [regs. 3, 5](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, Section 31.