

SCHEDULES

SCHEDULE 11

INVESTIGATIONS, INQUESTS AND INQUIRIES IN ENGLAND AND WALES AND SCOTLAND

PART 2

SCOTLAND: INQUIRIES AND INVESTIGATIONS

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

- 3 (1) After section 7 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2) insert—

“Deaths related to the Northern Ireland Troubles

7A Inquiries and investigations into Troubles-related deaths

Schedule A1 makes provision about inquiries and investigations into Troubles-related deaths.”

- (2) Before Schedule 1 to that Act insert—

“SCHEDULE
A1

INQUIRIES AND INVESTIGATIONS INTO TROUBLES-RELATED DEATHS

Obligatory discontinuance of existing inquiries and investigations

- 1 (1) This paragraph applies to an inquiry into a death that resulted directly from the Troubles if it was initiated before 1 May 2024, unless, on that day, the only part of the inquiry that remains to be carried out is the sheriff making the determination required by section 26, or something subsequent to that.
- (2) On and after that day, the sheriff must not progress the conduct of the inquiry.
- (3) As soon as practicable on or after that day, the sheriff must discontinue the inquiry.
- (4) If this paragraph applies to an inquiry—
- (a) on and after 1 May 2024, the procurator fiscal must not progress conduct of the investigation into that death required by section 1(1)(a), and

Status: This is the original version (as it was originally enacted).

- (b) as soon as practicable on or after that day, the procurator fiscal must discontinue the investigation (if it has been begun).
- (5) Section 1(1) (procurator fiscal to investigate death and arrange inquiry) and section 1(2) (sheriff to conduct inquiry) are subject to this paragraph.

New inquiries and investigations

- 2 On and after the day the day on which paragraph 3 of Schedule 11 to the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 comes into force—
- (a) the Lord Advocate must not exercise the functions conferred by section 4, 6 or 7 so as to cause an inquiry to be held into any death that resulted directly from the Troubles;
 - (b) the procurator fiscal must not give the sheriff notice under section 15(1) that an inquiry is to be held into any death that resulted directly from the Troubles; and
 - (c) further inquiry proceedings must not be held in accordance with section 30(2) in relation to a death that resulted directly from the Troubles.

Interpretation

- 3 (1) For the purposes of this Schedule a death “resulted directly from the Troubles” if—
- (a) the death was wholly caused by physical injuries or physical illness, or a combination of both, that resulted directly from of an act of violence or force, and
 - (b) the act of violence or force was conduct forming part of the Troubles.
- (2) In this paragraph “conduct forming part of the Troubles” has the same meaning as in the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (see section 1 of that Act).
- (3) For the purposes of this Schedule an inquiry is “initiated” by the procurator fiscal giving the sheriff notice under section 15(1) that the inquiry is to be held.”