

SCOTTISH STATUTORY INSTRUMENTS

2007 No. 478

**The Fatal Accidents and Sudden Deaths Inquiry
Procedure (Scotland) Amendment Rules 2007**

Amendment of the Fatal Accident Inquiry Rules

2.—(1) The Fatal Accidents and Sudden Deaths Inquiry Procedure (Scotland) Rules 1977(1) are amended as follows.

(2) In rule 2(1) (interpretation)—

(a) after the definition of “the Act”, insert—

““the 2004 Act” means the Vulnerable Witnesses (Scotland) Act 2004(2);”;

(b) in both the definitions of “officer of law” and “procurator fiscal” for “section 462 of the Criminal Procedure (Scotland) Act 1975” substitute “section 307(1) (interpretation) of the Criminal Procedure (Scotland) Act 1995(3)”; and

(c) after the definition of “officer of law”, insert—

““the Ordinary Cause Rules” means Schedule 1 to the Sheriff Courts (Scotland) Act 1907(4);”.

(3) Before rule 4(2)(a) (notice of holding of inquiry), insert—

“(za) any civil partner of the person who has died;”.

(4) After rule 8 (citation of witnesses or havers), insert—

“Vulnerable witness procedure – forms

8A.—(1) This rule applies where a vulnerable witness (within the meaning of section 11(1) of the 2004 Act) is to give evidence at an inquiry and the application of the Ordinary Cause Rules(5) in relation to the vulnerable witness would otherwise require any of the forms in column 1 of the Table below to be used.

(2) The form used instead shall be as nearly as may be the corresponding form of the Schedule to these Rules that is specified in column 2 of the Table.

TABLE

<i>Column 1 – Ordinary Cause Rules form</i>	<i>Column 2 – Inquiry form</i>
child witness notice (Form G19)	Form 7
vulnerable witness application (Form G20)	Form 8

(1) S.I.1977/191, amended by S.I. 1992/1568.

(2) 2004 asp 3.

(3) 1995 c. 46.

(4) 1907 c. 51. Schedule 1 was substituted by S.I. 1993/1956 and amended by S.I. 1996/2167 and 2445, S.S.I. 2000/239 and 408, 2001/8 and 144, 2002/7, 128 and 566, 2003/25 and 26, 2004/197 and 350, 2005/20, 189, 638 and 648 and 2006/207, 293, 410 and 509, and 2007/6 and 463.

(5) Amendments to the Ordinary Cause Rules related to the application of the Vulnerable Witnesses (Scotland) Act 2004 (asp 3) (including the addition of a new Chapter 45 of those Rules) were made by S.S.I. 2007/463.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Column 1 – Ordinary Cause Rules form</i>	<i>Column 2 – Inquiry form</i>
certificate of intimation (Form G21)	Form 9
review application (Form G22)	Form 10
certificate of intimation (Form G23)	Form 11

Vulnerable witness procedure — preliminary hearing

8B. If any preliminary hearing is held before the inquiry, the sheriff shall ascertain whether there is or is likely to be a vulnerable witness (within the meaning of section 11(1) of the 2004 Act) who is to give evidence at the inquiry, consider any child witness notice or vulnerable witness application that has been lodged where no order has been made under section 12 of the 2004 Act and consider whether any order under section 12 of that Act requires to be made.”.

(5) In the Schedule—

- (a) for Form 5 substitute the Form 5 set out in Schedule 1; and
- (b) at the end, add Forms 7 to 11 set out in Schedule 2.