

2016 No. 370 (C. 34)

SHERIFF COURT

**The Inquiries into Fatal Accidents and Sudden Deaths etc.
(Scotland) Act 2016 (Commencement No. 2, Transitional and
Transitory Provision) Regulations 2016**

Made - - - - *10th November 2016*

Laid before the Scottish Parliament *14th November 2016*

Coming into force - - *1st December 2016*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 42(2) and (3) of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (Commencement No. 2, Transitional and Transitory Provision) Regulations 2016 and come into force on 1st December 2016.

(2) In these Regulations—

“the 1976 Act” means the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976(b);
and

“the 2016 Act” means the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.

Day appointed

2. 1st December 2016 is the day appointed for the coming into force of the following provisions of the 2016 Act—

- (a) section 13 (jurisdiction in relation to inquiries); and
- (b) section 14 (inquiry into more than one death).

Transitional and transitory provision

3.—(1) This regulation applies to an inquiry applied for under section 1 or 1A of the 1976 Act on or after 1st December 2016.

(2) References to inquiry proceedings in section 13 of the 2016 Act include a reference to proceedings in respect of an inquiry under the 1976 Act.

(a) 2016 asp 2.

(b) 1976 c.14; section 1(4) was amended by the Armed Forces Act 2006 (c.52), schedule 16, paragraph 72(a) and (b); and section 1A was added by the Coroners and Justice Act 2009 (c.25), section 50(2).

(3) References to an inquiry in sections 13 and 14 of the 2016 Act include a reference to an inquiry under the 1976 Act.

(4) Section 1 of the 1976 Act (investigation of death and application for inquiry) is modified as follows—

- (a) in subsection (1), the words “for the district with which the circumstances of the death appear to be most closely connected” are to be disregarded; and
- (b) in subsection (3)(a), the words “with whose sheriffdom the circumstances of the death appear to be most closely connected” are to be disregarded.

ANNABELLE EWING

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
10th November 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force certain provisions of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (“the 2016 Act”) on 1st December 2016.

Regulation 2 commences sections 13 and 14 of the 2016 Act. Section 13 provides for the choice of sheriffdom in which a fatal accident inquiry is to be held. Section 14 provides for a single fatal accident inquiry into more than one death.

Regulation 3(2) and (3) are transitional provisions applying sections 13 and 14 to fatal accident inquiries applied for on or after 1st December 2016 under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (“the 1976 Act”).

Regulation 3(4) transitorily modifies the 1976 Act to disapply provisions that would be inconsistent with the effect of regulation 3(2) and (3).

The Bill for the 2016 Act received Royal Assent on 14th January 2016. Sections 36(6), 40 to 43, and schedule 1 came into force on the following day.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

Provisions commenced on 1st September 2016 by S.S.I. 2016/196

Section 8

Section 12

Section 16(4)

Section 18

Section 27(4)

Section 36 in so far as not already in force

Section 39(2) for the purposes of bringing into force paragraph 16 of schedule 2

Paragraph 16 of schedule 2

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