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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 103**

**Act of Sederunt (Fatal Accident Inquiry Rules) 2017**

**PART 3**

**PRE-INQUIRY PROCEDURE**

**First notice**

**3.1.**—(1) First notice is to be given in Form 3.1.

(2) First notice must set out—

- (a) the information required by section 15(2)(a) (that is, a brief account of the circumstances of the death, so far as known to the procurator fiscal);
- (b) the identity of the deceased;
- (c) any issues identified by the procurator fiscal which it is anticipated the inquiry should address;
- (d) whether the procurator fiscal considers that a preliminary hearing is unnecessary and, if so, the reasons for that view;
- (e) whether the inquiry is mandatory or discretionary and—
  - (i) if mandatory, the category of mandatory inquiry;
  - (ii) if discretionary, whether the Lord Advocate considers that the death fell within section 4(1)(a)(i) or (ii);
- (f) in the case of a discretionary inquiry under section 6 (inquiries into deaths occurring abroad: general), which condition in section 6(3)(a) is met;
- (g) in the case of a discretionary inquiry under section 7 (inquiries into deaths occurring abroad: service personnel) that the conditions in section 7(1)(c) are met; and
- (h) the identity of any person who the procurator fiscal considers might have an interest in the inquiry.