

*These notes relate to the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2) which received Royal Assent on 14 January 2016*

# **INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC. (SCOTLAND) ACT 2016**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Pre-inquiry procedure***

##### ***Section 16 – Preliminary hearings***

54. **Section 16** requires a preliminary hearing to be held before every FAI unless the sheriff dispenses with that requirement in accordance with FAI rules. The sheriff is given further power to reverse a decision not to hold a preliminary inquiry.
55. Further provision is to be made with regard to the content and purpose of preliminary hearings in FAI rules. The purpose of a preliminary hearing for an FAI is to consider the likely length of the proceedings, the state of preparedness of participants and the procurator fiscal, the amount of evidence and any areas for agreement of uncontroversial facts, and anything else that needs to be addressed before the inquiry can begin.