

*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**

#### *Specialist sheriffs and summary sheriffs*

#### *Section 39 – Repeal and modification of enactments*

119. [Section 39\(1\)](#) repeals the 1976 Act in consequence of its re-enactment in the form of the 2016 Act. For the most part the 1976 Act only extends to Scots law, however section 4(4) and (5) and section 9, which are the precursor provisions for, respectively, section 22 (publishing restrictions) and section 5 (certain deaths and accidents to be treated as occurring in Scotland), extend to the law of England and Wales and Northern Ireland. The Scottish Government proposes that the full repeal of these provisions be progressed via the Order under section 104 of the Scotland Act 1998, as a natural consequence of extending the effect of replacement sections 5 and 22 to those jurisdictions. Section 39(2) introduces schedule 2 which is more fully described below.