



# Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016

## 2016 asp 2

### *Pre-inquiry procedure*

#### **17 Notice of the inquiry**

- (1) After the sheriff makes an order under section 15(3) in relation to an inquiry, the procurator fiscal must give notice to the persons mentioned in subsection (2) of the following matters—
  - (a) the fact that the inquiry is to be held, and
  - (b) if fixed in the order—
    - (i) the date and place for the holding of the preliminary hearing,
    - (ii) the date for the start of the inquiry and the place at which it is to be held.
- (2) The persons referred to in subsection (1) are—
  - (a) a person appearing to the procurator fiscal to be entitled to participate in the inquiry under section 11(1)(a) to (d), and
  - (b) any other person specified, or in a category of persons specified, in an act of sederunt under section 36(1).
- (3) The procurator fiscal must also give public notice of the matters specified in subsection (1)(a) and (b).
- (4) Subsection (5) applies where the sheriff makes an order under section 15(5).
- (5) The procurator fiscal must—
  - (a) give notice to the persons mentioned in subsection (2) of the new date or, as the case may be, place fixed in the order, and
  - (b) give public notice of that fact.
- (6) Subsection (7) applies where the sheriff makes an order under section 16(3).
- (7) The procurator fiscal must—
  - (a) give notice to the persons mentioned in subsection (2) of the following matters—

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**Changes to legislation:** *Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, Section 17 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (i) the fact that a preliminary hearing is to be held, and
  - (ii) the date and place fixed for the holding of the hearing, and
- (b) give public notice of those matters.

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**Commencement Information**

**II** S. 17 in force at 15.6.2017 by [S.S.I. 2017/155](#), **reg. 2** (with [reg. 5](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 3\(1\)](#)
- Sch. A1 inserted by [2023 c. 41 Sch. 11 para. 3\(2\)](#)