



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

2016 asp 2

Inquiries into deaths occurring in Scotland

2 Mandatory inquiries

- (1) An inquiry is to be held into the death of a person which—
 - (a) occurred in Scotland, and
 - (b) is within subsection (3) or (4).
- (2) Subsection (1) is subject to section 3.
- (3) The death of a person is within this subsection if the death was the result of an accident which occurred—
 - (a) in Scotland, and
 - (b) while the person was acting in the course of the person's employment or occupation.
- (4) The death of a person is within this subsection if, at the time of death, the person was—
 - (a) in legal custody, or
 - (b) a child required to be kept or detained in secure accommodation.
- (5) For the purposes of subsection (4)(a), a person is in legal custody if the person is—
 - (a) required to be imprisoned or detained in a penal institution,
 - (b) in police custody, within the meaning of section 64 of the Criminal Justice (Scotland) Act 2016,
 - (c) otherwise held in custody on court premises,
 - (d) required to be detained in service custody premises.
- (6) For the purposes of subsections (4)(b) and (5)(a) and (d), it does not matter whether the death occurred in secure accommodation, a penal institution or, as the case may be, service custody premises.
- (7) In this section—

“penal institution” means any—

- (a) prison (including a legalised police cell within the meaning of section 14(1) of the Prisons (Scotland) Act 1989), other than a naval, military or air force prison,
- (b) remand centre, within the meaning of section 19(1)(a) of that Act,
- (c) young offenders institution, within the meaning of section 19(1)(b) of that Act,

“secure accommodation” means accommodation provided in a residential establishment, approved in accordance with regulations made under section 78(2) of the Public Services Reform (Scotland) Act 2010, for the purpose of restricting the liberty of children,

“service custody premises” has the meaning given by section 300(7) of the Armed Forces Act 2006.