



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

## 2016 asp 2

### *The inquiry*

#### **20 Evidence and witnesses**

- (1) At an inquiry—
  - (a) the procurator fiscal must bring forward evidence relating to the circumstances of the death to which the inquiry relates,
  - (b) a participant in the inquiry may bring forward such evidence.
- (2) Without limiting subsection (1), the sheriff may require the procurator fiscal or a participant in the inquiry to bring forward evidence about any matter relating to the circumstances of the death.
- (3) The rules of evidence which apply in relation to civil proceedings in the sheriff court (other than a simple procedure case) apply in relation to an inquiry.
- (4) Subsection (3) is subject to provision made in an act of sederunt under section 36(1).
- (5) The examination of a person at an inquiry does not prevent criminal proceedings being taken against the person.
- (6) A person is not required at an inquiry to answer a question tending to show that the person is guilty of an offence.
- (7) In subsection (3), “simple procedure case” has the same meaning as in section 72(9) of the Courts Reform (Scotland) Act 2014.

#### **Commencement Information**

**II** S. 20 in force at 15.6.2017 by [S.S.I. 2017/155](#), [reg. 2](#) (with [reg. 5](#))

**Changes to legislation:**

Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, Section 20 is up to date with all changes known to be in force on or before 21 February 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.

[View outstanding changes](#)

**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\(2\)](#)