



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

## 2016 asp 2

### *Findings and recommendations*

#### **28 Compliance with sheriff's recommendations**

- (1) A person to whom a recommendation under section 26(1)(b) is addressed—
  - (a) must, if the person was a participant in the inquiry to which the recommendation relates, give the Scottish Courts and Tribunals Service (“the SCTS”) a response in writing,
  - (b) may do so in any other case.
- (2) A response under subsection (1) must set out—
  - (a) details of what the respondent has done or proposes to do in response to the recommendation, or
  - (b) if the respondent has not done, and does not intend to do, anything in response to the recommendation, the reasons for that.
- (3) A response under subsection (1)(a) must be given to the SCTS within the period of 8 weeks beginning with the day on which the respondent receives a copy of the determination in which the recommendation is made.
- (4) A person who gives a response to the SCTS under subsection (1) may, at the same time, make representations to the SCTS as to the withholding of all or part of the response from publication under subsection (5).
- (5) Where a response is given to the SCTS under subsection (1), the SCTS must, after considering any representations made under subsection (4)—
  - (a) publish the response in full,
  - (b) publish the response in part, together with a notice explaining that part of the response has been withheld from publication, or
  - (c) publish a notice explaining that the whole of the response is being withheld from publication.
- (6) The SCTS may withhold the whole of a response given under subsection (1) from publication only if representations are made to that effect under subsection (4).

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**Changes to legislation:** *Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, Section 28 is up to date with all changes known to be in force on or before 13 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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- (7) If no response is given in accordance with subsection (1)(a) by the end of the 8 week period mentioned in subsection (3), the SCTS must publish notice of that fact.
- (8) The SCTS must publish a response or notice under subsection (5) or (7) in such manner as it considers appropriate.
- (9) A response under subsection (1) is not admissible in evidence, and may not be founded on, in any judicial proceedings of any nature.

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**Commencement Information**

**II** S. 28 in force at 15.6.2017 by [S.S.I. 2017/155](#), **reg. 2** (with [reg. 5](#))

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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\(2\)](#)