



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

2016 asp 2

Further inquiry proceedings

30 Circumstances in which there may be further proceedings

- (1) Where an inquiry into the death of a person has ended, further inquiry proceedings may be held in relation to the death only in accordance with subsection (2).
- (2) Further inquiry proceedings are to be held in relation to the death if—
 - (a) there is new evidence in relation to the circumstances of the death, and
 - (b) the Lord Advocate—
 - (i) considers that it is highly likely that a finding or recommendation set out in the determination would have been materially different if the evidence had been brought forward at the inquiry, and
 - (ii) decides that it is in the public interest for further inquiry proceedings to be held in relation to the circumstances of the death.
- (3) For the purposes of subsection (2)(a), “new evidence” is evidence which was not available, and could not with the exercise of reasonable diligence have been made available, at the inquiry.
- (4) For the purposes of subsection (1), an inquiry ends when the sheriff makes a determination in the inquiry.
- (5) In this section and sections 31 and 32 references to the holding of further inquiry proceedings in relation to a death are references to—
 - (a) the re-opening and continuation of an inquiry into the death, or
 - (b) the holding of a fresh inquiry into the death.

Commencement Information

11 S. 30 in force at 15.6.2017 by [S.S.I. 2017/155](#), [reg. 2](#) (with [regs. 3, 5](#))

Changes to legislation:

Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, Section 30 is up to date with all changes known to be in force on or before 01 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.

[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\(2\)](#)