



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

## 2016 asp 2

### *Further inquiry proceedings*

#### **33 Re-opened inquiries**

- (1) Sections 15 to 18 apply in relation to a re-opened inquiry into the death of a person as they apply in relation to any other inquiry, subject to subsections (2) to (4).
- (2) The sheriff must, when making the order under section 32(6) re-opening the inquiry, also make an order under section 15(3) in relation to the re-opened inquiry (and section 15(1) (which requires the procurator fiscal to notify the sheriff that an inquiry is to be held) does not apply).
- (3) The procurator fiscal must give notice of the re-opened inquiry under section 17(1), in addition to the persons mentioned in section 17(2), to any person not mentioned in that section—
  - (a) who was a participant in the original inquiry proceedings, or
  - (b) to whom a recommendation in the determination in those proceedings was addressed by virtue of section 26(5)(b).
- (4) The notice required by section 17(1) and (3) must include notice of—
  - (a) the fact that the inquiry has been re-opened (and section 17(1)(a) does not apply), and
  - (b) the matters to which the new evidence relates.
- (5) Evidence may be brought forward at a re-opened inquiry only if it relates to a matter to which the new evidence relates.
- (6) But the sheriff may—
  - (a) require evidence to be brought forward about any other matter relating to the circumstances of the death, or
  - (b) on the application of the procurator fiscal or a participant in the inquiry, allow such evidence to be brought forward.
- (7) In this section—

“new evidence” means the new evidence mentioned in section 30(2)(a),

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***Status:** This is the original version (as it was originally enacted).*

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“original inquiry proceedings” means the part of an inquiry held before it is re-opened under section 32(6),

“re-opened inquiry” means the part of an inquiry held after it is so re-opened.