

SCOTTISH STATUTORY INSTRUMENTS

2017 No. 103

Act of Sederunt (Fatal Accident Inquiry Rules) 2017

PART 3

PRE-INQUIRY PROCEDURE

Notice of the inquiry

- 3.3.**—(1) Notice under section 17(1) in relation to an inquiry is to be given in Form 3.3A.
- (2) Notice must be given at least 42 days before—
- (a) the preliminary hearing; or
 - (b) if the sheriff has not ordered a preliminary hearing, the date fixed for the start of the inquiry.
- (3) In addition to the persons mentioned in section 17(2)(a), notice must be given to—
- (a) a person named in the first order as a person the sheriff is satisfied has an interest in the inquiry;
 - (b) in a category of death listed in column 1 of the following table, the person specified in column 2.

<i>Column 1</i> Circumstances of death	<i>Column 2</i> Specified person
a death within section 2(3)(b) of the Act (death as a result of an accident which occurred while the person was acting in the course of the person's employment or occupation)	The Health and Safety Executive
a death within section 2(4)(b) (death of a child required to be kept or detained in secure accommodation)	The local authority or other provider of secure accommodation in whose care the child died, the Scottish Ministers and Social Care and Social Work Improvement Scotland
death within section 2(5)(a) (death of a person required to be imprisoned or detained in a penal institution)	The Scottish Ministers or the Chief Constable of the relevant police force, respectively
death within section 2(5)(b) (death in police custody)	The Chief Constable of the relevant police force
a death within section 2(5)(c) (death in custody on court premises)	The Scottish Courts and Tribunals Service
a death within section 2(5)(d) (death of a person detained in service custody premises)	The Secretary of State

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Column 1</i> Circumstances of death	<i>Column 2</i> Specified person
a death within section 5 (certain deaths and accidents to be treated as occurring in Scotland)	The Secretary of State
a death within section 6 (inquiries into deaths occurring abroad: general)	The Secretary of State
a death within section 7 (inquiries into deaths occurring abroad: service personnel)	The Secretary of State
a death within article 6 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016(1) (death in Scotland of service personnel)	The Secretary of State.

(4) A person given notice under this rule who intends to participate must indicate that intention by lodging a notification in Form 3.3B at least 14 days before the start of the inquiry.