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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 103**

**Act of Sederunt (Fatal Accident Inquiry Rules) 2017**

**PART 4**

**INFORMATION**

*Witnesses and productions*

**Citation of witnesses**

**4.3.**—(1) The order which fixes a date for the start of the inquiry is warrant for the citation of witnesses by participants.

(2) A participant only needs to cite a witness to appear at the inquiry if the participant is otherwise unable to ensure that witness's appearance.

(3) A participant may cite a witness by—

- (a) intimating a citation in Form 4.1A on that witness at least 7 days before the date fixed for the start of the inquiry; and
- (b) lodging a certificate of citation in Form 4.1B.

(4) Where a properly cited witness fails to answer that citation, the sheriff may—

- (a) grant warrant for the apprehension of the witness and for bringing the witness to the inquiry;
- (b) order the witness to make a payment to a participant.

(5) A solicitor who cites a witness is liable for that witness's fees and expenses.

(6) Where a participant is not represented by a solicitor, that participant must—

- (a) apply to the sheriff to fix caution in such sum as the sheriff considers reasonable having regard to the number of witnesses the participant proposes to cite and the period for which they may be required to attend the inquiry; and
- (b) before citing a witness, find caution for such expenses as can reasonably be anticipated to be incurred by the witness in answering the citation.

(7) Where a participant who is not represented by a solicitor does not intend to cite all the witnesses referred to in the application to fix caution, that participant may apply to the sheriff for variation of the amount of caution.