SCOTTISH STATUTORY INSTRUMENTS

2017 No. 103

SHERIFF COURT

Act of Sederunt (Fatal Accident Inquiry Rules) 2017

Made - - - -Laid before the Scottish Parliament - -Coming into force 31st March 2017 4th April 2017 15th June 2017

ACT OF SEDERUNT (FATAL ACCIDENT INQUIRY RULES) 2017

PART 1

CITATION, COMMENCEMENT AND INTERPRETATION, ETC.

- 1.1 Citation and commencement, etc.
- 1.2 Interpretation
- 1.3 Periods of time
- 1.4 Forms
- 1.5 Miscellaneous and general matters

PART 2

OVERVIEW

- 2.1 The structure of an inquiry
- 2.2 The inquiry principles
- 2.3 Taking into account the inquiry principles
- 2.4 Representation and support
- 2.5 Judicial continuity
- 2.6 The inquiry management powers

PART 3

PRE-INQUIRY PROCEDURE

- 3.1 First notice
- 3.2 First order
- 3.3 Notice of the inquiry
- 3.4 Public notice of the inquiry
- 3.5 Other participation

Status: This is the original version (as it was originally made).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

Preliminary hearings

- 3.6 Purpose of preliminary hearings
- 3.7 Before the first preliminary hearing
- 3.8 Procedure

PART 4

INFORMATION

- 4.1 The law of evidence
- 4.2 The information management powers

Witnesses and productions

- 4.3 Citation of witnesses
- 4.4 Gathering information
- 4.5 Oath and affirmation
- 4.6 Lodging productions
- 4.7 Witness lists
- 4.8 Recording of the inquiry
- 4.9 Vulnerable witnesses

Agreeing information

- 4.10 Joint minutes of agreement
- 4.11 The duty to agree information
- 4.12 Notices to admit information
- 4.13 Witness statements
- 4.14 Video recordings

Expert witnesses

- 4.15 Instructing expert witnesses
- 4.16 Information presented by expert witnesses
- 4.17 Minute of questions
- 4.18 Single expert witnesses
- 4.19 Concurrent presentation of expert witnesses

PART 5

THE INQUIRY

5.1 Procedure

PART 6

THE SHERIFF'S DETERMINATION

- 6.1 Form of determination
- 6.2 Form of response
- 6.3 Form of notice

PART 7

FURTHER INQUIRY PROCEEDINGS

7.1 Form of notice Signature APPLICATIONS

- 1. Interpretation
- 2. Making of applications
- 3. Written applications
- 4. Intimation of applications in writing

SCHEDULE 1

- 5. Opposition to applications in writing
- 6. Consent to applications in writing
- 7. Lodging of applications in writing
- 8. Joint applications in writing
- 9. Hearing of opposed applications in writing

SCHEDULE 2 INTIMATION

PART 1 Intimation within Scotland

- 1. Interpretation
- 2. Intimation
- 3. Methods of intimation
- 4. Methods of intimation: intimation by recorded delivery
- 5. Methods of intimation: intimation by sheriff officer
- 6. Additional methods of intimation where receiving participant represented by solicitor
- 7. Form of certificate of intimation PART 2
- Intimation furth of Scotland
- 8. Interpretation of this Part
- 9. Intimation furth of Scotland
- 10. Service in England and Wales etc.
- 11. Service in an EU member State
- 12. Service in a Hague Convention country
- 13. Service in a country with which the United Kingdom has a convention about how to serve court documents
- 14. Service in any other country
- 15. Consular service
- 16. Personal service
- 17. Postal service
- 18. Certification of translations
 - SCHEDULE 3 FORMS

SCHEDULE 4 MISCELLANEOUS AND GENERAL MATTERS

- 1. Lodging
- 2. Live links

Reporting restrictions

- 3. Reporting restrictions: interpretation and application
- 4. Interim orders: notification to interested persons
- 5. Interim orders: representations
- 6. Notification of reporting restrictions
- 7. Applications for variation or revocation

The style of oath and affirmation

- 8. Oaths
- 9. Affirmations

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

Interventions

- 10. Interventions by the Commission for Equality and Human Rights and the Scottish Commission for Human Rights
- 11. Applications to intervene
- 12. Determination of applications
- 13. Invitations to intervene
- 14. Form of intervention

Lay representation and support

- 15. Lay representation: applications
- 16. Lay representation: functions, conditions and duties
- 17. Lay support: application
- 18. Lay support: functions, conditions and duties

Lay representation for non-natural persons

- 19. Interpretation
- 20. Lay representation of non-natural persons at inquiries
- 21. Applications for authorisation of lay representatives for non-natural persons
- 22. Lay representation of non-natural persons: functions, conditions and duties SCHEDULE 5 GATHERING INFORMATION
- 1. Application of this schedule
- 2. Confidentiality
- 3. Warrants for production of original documents from public records
- 4. Applications for commission and diligence
- 5. Optional procedure before executing commission and diligence
- 6. Execution of commission and diligence
- 7. Letters of request
- 8. Information given on commission
- 9. Testimony by commissioner: interrogatories
- 10. Testimony by commissioner: conduct of commission
- 11. Testimony by commissioner: lodging and custody of video record and documents
- 12. Taking of evidence in the EU

SCHEDULE 6 VULNERABLE WITNESSES

- 1. Interpretation and application of this schedule
- 2. Form of notices and applications
- 3. Determination of notices and applications
- 4. Determination of notices and applications: supplementary orders
- 5. Intimation of orders
- 6. Testimony by commissioner: preparatory steps
- 7. Testimony by commissioner: interrogatories
- 8. Testimony by commissioner: conduct of commission
- Testimony by commissioner: lodging and custody of video record and documents Explanatory Note