

SCHEDULE 3

Rule 1.4

FORMS

Form 3.1

**Notice of an inquiry under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016**

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

*(name of procurator fiscal)*, PROCURATOR FISCAL FOR THE DISTRICT OF *(name of district)* GIVES NOTICE UNDER SECTION 15(1) OF THE INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC. (SCOTLAND) ACT 2016 THAT:

1. An inquiry into the death of *(name or names)* is to be held.
- [2. The inquiry is a mandatory inquiry under *(insert provisions which engage a mandatory inquiry and explain why the inquiry falls under those provisions)*.]
- [or
2. The inquiry is a discretionary inquiry under section 4 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016. *(set out whether the Lord Advocate considers that the death fell within section 4(1)(a)(i) or (ii))*.]
3. The procurator fiscal considers that a preliminary hearing is necessary [or unnecessary because *(set out reasons)*].

**The circumstances of the death**

4. *(set out a brief account of the circumstances of the death including, where known, the date of death)*.

**Issues for the inquiry**

5. *(set out any issues identified by the procurator fiscal which it is anticipated the inquiry should address)*.

**Participation**

6. The procurator fiscal considers that the following persons may have an interest in the inquiry:

*(list)*

[or

**Status:** This is the original version (as it was originally made).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

6. The procurator fiscal does not consider that any other person has an interest in the inquiry.]

SIGNED

*(signature of procurator fiscal)*

*(place and date)*

## Form 3.3A

### Notice of an inquiry under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

*(name of procurator fiscal)*, PROCURATOR FISCAL FOR THE DISTRICT OF *(name of district)* GIVES NOTICE UNDER SECTION 17(1) OF THE INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC. (SCOTLAND) ACT 2016 THAT:

1. An inquiry into the death of *(name or names)* is to be held.
- [2. The inquiry is a mandatory inquiry under *(insert provisions which engage a mandatory inquiry and explain why the inquiry falls under those provisions)*.]
- [or
2. The inquiry is a discretionary inquiry under section 4 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016. *(set out whether the Lord Advocate considers that the death fell within section 4(1)(a)(i) or (ii))*.]
3. You are being given notice of this inquiry because *(set out reasons for notice being given)*.
- [4. A preliminary hearing has been fixed for *(date)*.]
- [or
4. The date fixed for the start of the inquiry is *(date)*.]

#### The circumstances of the death

5. *(set out a brief account of the circumstances of the death)*.

#### Issues for the inquiry

6. *(set out any issues identified by the procurator fiscal which it is anticipated the inquiry should address)*.

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

**Notice**

7. You may wish to seek legal advice and may be eligible for legal aid to enable you to participate in this inquiry.

If you wish to participate in this inquiry you must notify the court of your intention to do so under rule 3.3(4) of the Act of Sederunt (Fatal Accident Inquiry Rules) 2017 at least 14 days before the start of the inquiry.

SIGNED

*(signature of procurator fiscal)*

*(place and date)*

**Form 3.3B**

**Notice of intention to participate**

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

NOTIFICATION OF INTENTION TO PARTICIPATE

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

*(name)* intends to participate in this inquiry under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.

SIGNED

*(signature)*

*(place and date)*

## Form 3.4

### Notice of an inquiry under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

*(name of procurator fiscal)*, PROCURATOR FISCAL FOR THE DISTRICT OF *(name of district)* GIVES NOTICE UNDER SECTION 17(3) OF THE INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC. (SCOTLAND) ACT 2016 THAT:

1. An inquiry into the death of *(name or names)* is to be held.
- [2. The inquiry is a mandatory inquiry under *(insert provisions which engage a mandatory inquiry and explain why the inquiry falls under those provisions)*.]
- [or
2. The inquiry is a discretionary inquiry under section 4 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016. *(set out whether the Lord Advocate considers that the death fell within section 4(1)(a)(i) or (ii))*.]
- [3. A preliminary hearing has been fixed for *(date)*.]
- [or
3. The date fixed for the start of the inquiry is *(date)*.]

#### Notice

4. You may wish to seek legal advice and may be eligible for legal aid to enable you to participate in this inquiry.

If you wish to participate in this inquiry you must apply to the sheriff to do so under rule 3.5 of the Act of Sederunt (Fatal Accident Inquiry Rules) 2017.

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

## Form 4.1A

### Witness Citation

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

#### WITNESS CITATION

by

*(participant)*

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

**To [A.B.] *(design)***

1. An inquiry into the death of *(name or names)* is to be held.
2. *(Name)* is a participant in the inquiry and has asked you to be a witness at the inquiry.
3. You must attend *(sheriff court and address)* on *(insert date)* at *(insert time)* for that purpose.

If you:–

- would like to know more about being a witness
- are a child under the age of 18
- think you may be a vulnerable witness within the meaning of section 11(1) of the Vulnerable Witnesses (Scotland) Act 2004 (that is someone the sheriff considers may be less able to present information due to mental disorder or fear or distress connected to presenting information at the inquiry hearings)

you should contact the person who has asked you to attend court for further information.

If you are a vulnerable witness (including a child under the age of 16), then you should be able to use a special measure (such measures include the use of a screen, a live TV link or a supporter, or a commissioner) to help you present information.

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### **Expenses**

You may claim back money which you have to spend and any earnings you have lost within certain specified limits, because you have to come to court on the above date. These may be paid to you if you claim within specified time limits. Claims should be made to the person who has asked you to attend court. Proof of any loss of earnings should be given to that person.

If you wish your travelling expenses to be paid before you go to court, you should apply for payment to the person who has asked you to attend court.

### **Failure to attend**

It is very important that you attend court and you should note that failure to do so may result in a warrant being granted for your arrest.

If you have any questions about anything in this citation, please contact (*specify participant who has cited the witness, or their representative*) for further information.

SIGNED

(*signature*)

(*place and date*)

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

**Form 4.1B**

**Certificate of Citation**

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

**CERTIFICATE OF CITATION**

by

*(participant)*

IN THE

**INQUIRY INTO THE DEATH OF *(deceased)***

I certify that on *(insert date of citation)* I duly cited *(name)*, *(design)* to attend at *(insert name of sheriff court)* Sheriff Court on *(insert date)* at *(insert time)* as a witness for the *(name of participant)* in the inquiry into the death of *(name of deceased)*.

This I did by *(state mode of citation)*.

**SIGNED**

*(signature)*

*(place and date)*



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## Form 4.12A

### Notice to admit information

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

#### NOTICE TO ADMIT INFORMATION

by

*(participant)*

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

1. *(participant)* would seek to present the following facts [or documents, or facts and documents] at the inquiry.
2. The following facts [or documents, or facts and documents] are considered unlikely to be disputed by the other participants in this inquiry.

#### Facts and Productions

3. *(set out in numbered paragraphs all facts or list of productions. Attach any documents referred to in this notice).*

SIGNED

*(signature)*

Participant [or solicitor, or advocate]

*(place and date)*

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

## Form 4.12B

### Notice of objection

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

#### NOTICE OF OBJECTION

by

*(participant)*

#### TO A NOTICE TO ADMIT INFORMATION

by

*(participant)*

IN THE

#### INQUIRY INTO THE DEATH OF *(deceased)*

1. *(participant)* objects to the following facts [or production, or facts and production] set out in the notice to admit information dated *(date)*.
2. *(specifically identify the facts or production objected to, including by reference to numbered paragraphs in the notice to admit information)*.

SIGNED

*(signature)*

*(place and date)*

## Form 6.1

### Determination

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

DETERMINATION OF SHERIFF *(name)*

UNDER THE INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC.  
(SCOTLAND) ACT 2016

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

#### DETERMINATION

The Sheriff having considered the information presented at the inquiry, determines in terms of section 26 of the Act that:–

*(Set out the name of the deceased, date of birth, residence, date, place and time of death).*

In terms of section 26(2)(a) *(set out when and where the death occurred).*

In terms of section 26(2)(b) *(set out when and where any accident resulting in the death occurred).*

In terms of section 26(2)(c) *(set out the cause or causes of the death)*

[In terms of section 26(2)(d) *(set out the cause or causes of any accident resulting in the death).*

In terms of section 26(2)(e) *(set out any precautions which (i) could reasonably have been taken, and (ii) had they been taken, might realistically have resulted in the death, or any accident resulting in the death, being avoided),*

In terms of section 26(2)(f) *(if applicable, set out any defects in any system of working which contributed to the death or any accident resulting in the death),*

In terms of section 26(2)(g) *(set out any other facts which are relevant to the circumstances of the death).]*

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

## **RECOMMENDATIONS**

In terms of section 26(1)(b) (set out such recommendations (if any) as to (a) the taking of reasonable precautions, (b) the making of improvements to any system of working, (c) the introduction of a system of working, (d) the taking of any other steps, which might realistically present other deaths in similar circumstances, as the sheriff considers appropriate.) (If there are no recommendations this should be narrated.) (Set out clearly the persons to whom the recommendations are addressed).

## **NOTE**

### **INTRODUCTION**

*(The introduction should include the following information:–*

*The fact that the inquiry was held under the Act into the death of the deceased, who should be named.*

*The date that the death was reported to COPFS.*

*The date(s) of preliminary hearings and inquiry hearings.*

*The details of the representatives of the participants of the inquiry.*

*The details of the witnesses).*

### **THE LEGAL FRAMEWORK**

*(This section should:–*

*Narrate that an inquiry was held under section 1 of the Act.*

*Narrate that the inquiry is governed by these Rules.*

*State the purpose of an inquiry under section 1(3) of the Act.*

*Set out the matters which should be covered in the determination under section 26.*

*Explain that the procurator fiscal represents the public interest, that an inquiry is an inquisitorial process and it is not the purpose of an inquiry to establish civil or criminal liability.)*

### **SUMMARY**

*(Set out the facts.*

*Set out the submissions made to the sheriff by the participants at the inquiry.)*

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**DISCUSSION AND CONCLUSIONS**

*(Discussion based upon the information presented and conclusions drawn.)*

**[ANY OTHER INFORMATION, OBSERVATION OR COMMENT]**

*(Optional)*

**SIGNED**

*(signature of sheriff)*

*(place and date)*

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

## Form 6.2

### Response

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

RESPONSE

to the

DETERMINATION OF SHERIFF *(name)*

UNDER THE INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC.  
(SCOTLAND) ACT 2016

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

To: the Scottish Courts and Tribunals Service

1. [A.B.] *(design)*, being a person to whom a recommendation under section 26(1)(b) was addressed, do respond as follows.

[2. [A.B.] was a participant in the inquiry.]

[or

2. [A.B.] has an interest in the inquiry but was not a participant in the inquiry *(explain interest in inquiry)*.]

3. *(Set out in full each recommendation in numbered paragraphs together with your corresponding response. Please respond as fully as possible)*.

#### NOTES

*(Please refer to section 28 of the Act. A person to whom a recommendation has been addressed under section 26(1) of the Act, if they were also a participant in the inquiry, is under a legal duty to respond to those recommendations in writing. Persons who were not participants but to whom recommendations have been directed are encouraged to respond, though they are not obliged to.)*

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*The response must set out–*

*(a) details of what the respondent has done or proposes to do in response to the recommendation, or*

*(b) if the respondent has not done, and does not intend to do, anything in response to the recommendation, the reasons for that.*

*A response must be given to the Scottish Courts and Tribunals Service within the period of 8 weeks beginning with the day on which the respondent receives a copy of the determination in which the recommendation is made.*

*The response may be published, though you may make representations to SCTS as to the withholding of all or part of the response from publication.*

*A response made under section 28(1) is not admissible in evidence, and may not be founded on, in any judicial proceedings of any nature).*

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

## Form 6.3

### Notice

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

#### NOTICE

UNDER THE INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC.  
(SCOTLAND) ACT 2016

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

Court ref: *(ref)*

1. The determination of the sheriff in this inquiry was issued on *[insert date]*.

*(list recommendations)*

[2. The Scottish Courts and Tribunals Service has received a response from [A.B. *(design)*] *(attach response in full)*.]

or

[2. The Scottish Courts and Tribunals Service has received a response from [A.B. *(design)*] and has received representations as to the withholding of all or part of the response from publication under section 28(4).

In accordance with section 28(5) the SCTS has decided to:–

[Publish the response in full]

[or

Publish the response in part and withhold part of the response from publication.]

[or

Withhold the whole of the response from publication.]

*(Attach response or part of response to be published)*



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

[or

2. The SCTS has not received a response from [A.B. (*design*)] within the time limit prescribed in the Act (being the period of 8 weeks beginning with the day on which the respondent received a copy of the determination in which the recommendation was made).]

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

## Form 7.1

### Notice of Further Inquiry Proceedings under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

*(name of procurator fiscal)*, PROCURATOR FISCAL FOR THE DISTRICT OF *(name of district)* GIVES NOTICE UNDER SECTION 32(1)(a) OF THE INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC. (SCOTLAND) ACT 2016 THAT:

1. Further proceedings are to be held in relation to the death of *(name or names)*.
2. A copy of the original determination is attached.
3. The Lord Advocate considers that there is new evidence in relation to the circumstances of death. That new evidence is as follows:–  
  
*(Set out a brief account of the nature of the new evidence)*.
4. The Lord Advocate considers that it is highly likely that a finding or recommendation set out in the original determination would have been materially different if the evidence had been presented at the inquiry; and  
  
Has decided that it is in the public interest for further inquiry proceedings to be held in relation to the circumstances of death.
5. The Lord Advocate is of the view that the further proceedings should consist of:–  
  
[the re-opening and continuation of the inquiry  
  
OR  
  
the holding of a fresh inquiry].
6. The sheriff is invited to make an order fixing a date and place for a hearing to give the procurator fiscal and participants the opportunity to make representations about whether the further proceedings should consist of the re-opening and continuation of the inquiry or the holding of a fresh inquiry.

SIGNED

*(signature of procurator fiscal)*

*(place and date)*

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

## Form S1.4

### Application

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

APPLICATION

in the

INQUIRY INTO THE DEATH OF *(deceased)*

by

*(participant)*

Date: *(date of intimation)*

1. *(participant)* applies to the sheriff to *(details of the application)*
2. *(State briefly, in numbered paragraphs, the grounds for the application).*
3. The last date for lodging opposition to the application is *(date)*.

SIGNED

*(signature)*

*(place and date)*

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

## Form S1.5

### Opposition to Application

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

OPPOSITION to APPLICATION

in the

INQUIRY INTO THE DEATH OF *(deceased)*

by

*(participant)*

Date of intimation of application: *(date)*

Date of intimation of opposition to application: *(date)*

1. *(participant)* opposes the application lodged by *(participant who made the application)*
2. *(State briefly, in numbered paragraphs, the grounds for opposing the application).*

SIGNED

*(signature)*

*(place and date)*

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

## Form S1.7

### Certificate of Intimation

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

#### CERTIFICATE OF INTIMATION

in the

INQUIRY INTO THE DEATH OF *(deceased)*

1. I certify that I gave intimation of *(document or other matter to be intimated)* to *(name of receiving participant)*.
2. Intimation was given by *(method of intimation)*.
3. Intimation was given on *(date)*.

SIGNED

*(signature)*

*(place and date)*

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

## Form S2.7

### Certificate of Intimation

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

#### CERTIFICATE OF INTIMATION

in the

INQUIRY INTO THE DEATH OF *(deceased)*

1. I certify that I gave intimation of *(document or other matter to be intimated)* to *(name of receiving participant)*.
2. Intimation was given by *(method of intimation)*.
3. Intimation was given on *(date)*.

SIGNED

*(signature)*

*(place and date)*

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

## Form S4.5

### Reporting Restrictions: Representations

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

#### REPRESENTATIONS ON REPORTING RESTRICTIONS

by

*(participant)*

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

1. On *(date)* the sheriff at *(place)* made an interim order under paragraph 4 of schedule 4 of the Act of Sederunt (Fatal Accident Inquiry Rules) 2017.
2. The applicant is a person who would be directly affected by an order restricting the reporting of proceedings because:  
  
*(state briefly, in numbered paragraphs, the reasons.)*
3. The applicant wishes to make the following representations:  
  
*(state briefly, in numbered paragraphs, the representations.)*
- [4. The applicant seeks an urgent hearing on these representations because:  
  
*(state briefly, in numbered paragraphs, why an urgent hearing is necessary.)]*

SIGNED

*(signature)*

*(place and date)*

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

## Form S4.7

### Reporting Restrictions: Application for Variation or Revocation

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

APPLICATION FOR VARIATION OR REVOCATION

by

*(applicant)*

of an

ORDER RESTRICTING THE REPORTING

OF THE

INQUIRY INTO THE DEATH OF *(deceased)*

1. On *(date)* the sheriff at *(place)* made an order restricting the reporting of proceedings.
2. The applicant seeks a variation [or revocation] of the order because:

*(state briefly, in numbered paragraphs, the reasons)*



## Form S4.21

### **Application to conduct inquiry proceedings on behalf of a non-natural person**

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

APPLICATION TO CONDUCT INQUIRY PROCEEDINGS ON BEHALF OF A *(participant)*

by

*(name and address of prospective lay representative)*

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

1. *(prospective lay representative)* applies for permission to be appointed as a lay representative to conduct these inquiry proceedings on behalf of *(participant)*.
2. The participant is a company [or a limited liability partnership] [or a partnership] [or an unincorporated association].
3. The participant is unable to pay for the services of a legal representative to conduct these inquiry proceedings because:  
  
*(state briefly (in numbered paragraphs) the reasons why the participant is unable to pay).*
4. *(Name of prospective lay representative)* I hold the following relevant position with the participant: *(specify the relevant position held by the prospective lay representative)*.
5. The participant has authorised me to conduct these proceedings. An authorisation document is attached to this application.

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

DECLARATIONS BY PROSPECTIVE LAY REPRESENTATIVE

I declare that:

- (a) my responsibilities in my position (*specify relevant position*) with the participant do not consist wholly or mainly of conducting legal proceedings on behalf of the (*specify participant*) or another person.
- (b) I do not have a personal interest in the outcome of the inquiry.

SIGNED

(*signature*)

(*place and date*)

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

## Form S5.5A

### Form of note in optional procedure for commission and diligence

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

#### ORDER FOR OPTIONAL PROCEDURE FOR COMMISSION AND DILIGENCE

by

*(participant)*

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

Date: *(date of intimation)*

To: *(insert name and address of participant or named third party haver, from whom the documents are sought to be recovered).*

1. You are hereby required to produce to *(insert name of participant or their representative)* within seven days of the service on you of this order—
  - (a) this order which must be produced intact;
  - (b) the certificate below duly dated and signed by you; and
  - (c) all documents in your possession falling within the enclosed specification and a list or inventory of such documents signed by you relating to this Order and your certificate.
2. Subject to note (1) below, you may produce these documents either by sending them by [registered post or by the first class recorded delivery], or by hand to the address above.

*(Signed)*

*(Add designation and address of the participant or their representative in whose favour commission and diligence has been granted.)*

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

**NOTES**

1. If you claim that any of the documents produced by you are confidential, you must still produce such documents but may place them in a separate sealed packed by themselves, marked "confidential". In that event, they should NOT be sent to the address above. They must be [hand delivered or sent by registered post or by the first class recorded delivery service or registered postal packet] to the sheriff clerk at *(insert name and address of sheriff court)*.
2. The document will be considered by the participants to the inquiry and they may or may not be lodged with the sheriff clerk. A written receipt will be given or sent to you by the participant recovering the documents, who may thereafter allow them to be inspected by the other participants. The participant in whose possession the documents are will be responsible for their safekeeping.
3. Participants are obliged to return the documents to you when they no longer require the documents. If they do not do so, you will be entitled to apply to the court for an order to have this done and you may apply for an award of the expenses incurred in doing so. Further information about this can be obtained from the sheriff clerk's office at *(insert name and address of sheriff court)*.

**Certificate**

I hereby certify with reference to the above order of the sheriff at *(insert name of sheriff court)* in the inquiry *(insert court reference number)* and the enclosed specification of documents, served on me and marked respectively [X] and [Y]:-

1. That the documents which are produced and which are listed in the enclosed inventory signed by me and marked [Z], are all documents in my possession falling within the specification.

[or

That I have no documents in my possession falling within the specification.]

2. They were last seen by me on or about *(date)*, at *(place)*, in the hands of *(insert name and address of the person)*.

[or

That I know of the existence of no documents in the possession of any person, other than myself, which fall within the specification.

SIGNED

*(signature)*

*(place and date)*

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

## Form S5.5B

### Form of intimation to sheriff clerk and participants of documents recovered under optional procedure

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

INTIMATION TO SHERIFF CLERK AND PARTICIPANTS

of

DOCUMENTS RECOVERED UNDER OPTIONAL PROCEDURE

by

*(participant)*

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

1. The undernoted document[s] was [were] recovered from *(insert name and address of haver)* on *(insert date of receipt)* under order of the sheriff at *(insert name of sheriff court)* dated *(insert date of order authorising commission and diligence)* in so far as it relates to the specification of documents lodged with the sheriff *(identify specification if more than one)*.
2. Document[s] received:– *(identify each document)*.

SIGNED

*(Add designation and address of the person in whose favour commission and diligence has been granted)*

*(signature)*

*(place and date)*

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

## Form S5.5C

### Form of receipt from participant other than participant who originally recovered documents

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

RECEIPT

by

*(participant)*

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

Date: *(date of intimation)*

1. I acknowledge receipt of the undernoted document[s] received from *(name)* and recovered under order of the sheriff at *(insert name of sheriff court)* dated *(insert date of interlocutor authorising commission and diligence)*.
2. Document[s] received:- *(identify each document)*.

SIGNED

*(Add designation and address of the person receiving the documents)*

*(signature)*

*(place and date)*

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

## Form S5.6A

### Form of citation of witness or haver

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

#### CITATION OF WITNESS

by

*(participant)*

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

*(Name)* who is a participant in the inquiry has asked you to be a witness. You must attend the above sheriff court on *(date)* at *(time)* for that purpose, [and to bring with you *(specify documents)*].

- If you would like to know more about being a witness
- are a child under the age of 16
- think you may be a vulnerable witness within the meaning of section 11(1) of the Vulnerable Witnesses (Scotland) Act 2004 (that is someone the court considers may be less able to present information due to mental disorder or fear or distress connected to presenting information at the court hearings)

you should contact *(specify the participant citing the witness or their agent)* for further information.

If you are a vulnerable witness (including a child under the age of 16), then you should be able to use a special measure (such measures include the use of a screen, a live TV link or a supporter, or a commissioner) to help you present information.

#### Expenses

You may claim back money which you have to spend and any earnings you have lost within certain specified limits, because you have to come to court on the above date. These may be paid to you if you claim within specified time limits. Claims should be made to the person who has asked you to attend the inquiry. Proof of any loss of earnings should be given to that person.

If you wish your travelling expenses to be paid before you go to the inquiry, you should apply for payment to the person who has asked you to attend the inquiry.

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**Failure to attend**

It is very important that you attend the inquiry and you should note that failure to do so may result in a warrant being granted for your arrest.

If you have any questions about anything in this citation, please contact (*specify the participant citing the witness or their agent*) for further information.

SIGNED

(*signature*)

(*place and date*)



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## Form S5.6B

### Form of certificate of citation of witness or haver

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

#### CERTIFICATE OF CITATION

by

*(participant)*

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

I certify that on *(insert date of citation)* I duly cited [K.L.], *(design)* to attend at *(insert name of sheriff court)* Sheriff Court on *(date)* at *(time)* as a witness for *(participant)* in the inquiry [and I require him [or her] to bring with him [or her] *(specify documents)*].

This I did by *(state mode of citation)*.

SIGNED

*(signature)*

*(place and date)*

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## Form S5.11A

### Form of application for letter of request

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

APPLICATION FOR LETTER OF REQUEST

by

*(participant)*

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

*(Participant)* states that the evidence specified in the attached letter of request is required for the purposes of these inquiry proceedings and craves the sheriff to issue a letter of request to *(specify in the case of a letter of request the central or other appropriate authority of the country or territory in which the evidence is to be obtained)* to obtain the evidence specified.

SIGNED

*(signature)*

*(place and date)*

## Form S5.11B

### Form of letter of request

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

#### LETTER OF REQUEST

by

*(participant)*

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

Date: *(date of intimation)*

1. Sender *(insert name and address)*.
2. Central authority of the requested state *(insert name and address)*
3. Person to whom the executed request is to be returned *(insert name and address)*.
4. The undersigned applicant has the honour to submit the following request:
  - (a) Requesting judicial authority *(insert name and address)*;
  - (b) To the competent authority *(insert name of requested state)*.
5. *(Names and addresses of the participants and their representatives.)*
6. *(Nature and purpose of the proceedings and summary of facts.)*
7. *(Evidence to be obtained or other judicial act to be performed (items to be completed where applicable.)*
8. *(Identity and address of any person to be examined.)*
9. *(Questions to be put to the persons to be examined or statement of the subject-matter about which they are to be examined (or see attached list).)*

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10. Documents or other property to be inspected (*specify whether it is to be produced, copied, valued, etc.*).
11. (*Any requirement that the evidence be given on oath or affirmation and any special form to be used (in the event that the evidence cannot be taken in the manner requested, specify whether it is to be taken in such manner as provided by local law for the formal taking of evidence.)*)
12. (*Special methods or procedure to be followed.*)
13. (*Request for notification of the time and place for the execution of the request and identity and address of any person to be notified.*)
14. (*Request for attendance or participation of judicial personnel of the requesting authority at the execution of the letter of request.*)
15. (*Specification of privilege or duty to refuse to give evidence under the law of the state of origin.*)
16. The fees and expenses (costs) incurred will be borne by (*insert name and address*) (items to be included in all letters of request).

SIGNED

(*signature*)

(*place and date*)

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## Form S5.12

### Form of minute for the taking of evidence in the EU

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

MINUTE FOR THE TAKING OF EVIDENCE IN THE EU

by

*(participant)*

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

Date: *(date of intimation)*

The Minuter states that the evidence specified in the attached [Form A] [Form I]\* is required for the purpose of these proceedings and craves the court to issue [a letter of request] [that Form]\* to *(specify the applicable court, tribunal, central body or competent authority)* to obtain the evidence specified.

SIGNED

*(signature)*

*(place and date)*

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## Form S6.2A

### Child Witness Notice

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

#### CHILD WITNESS NOTICE

under section 12 of the Vulnerable Witnesses (Scotland) Act 2004

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

by

*(participant)*

1. The applicant is *(participant)*.
2. The applicant has cited [or intends to cite] *(witness)*, *(date of birth)* as a witness.
3. *(witness)* is a child witness under section 11 of the Vulnerable Witnesses (Scotland) Act 2004 [and was under the age of 18 on the date of the commencement of proceedings.]
4. The applicant considers that the following special measure[s] is [or are] the most appropriate for the purpose of *(witness)* presenting information at the inquiry [or that *(witness)* should present information without the benefit of any special measure]:  
  
*(specify any special measure(s) sought)*.
5. The reason[s] this [or these] special measure[s] is [or are] considered the most appropriate is [or are] as follows:  
  
*(specify the reason(s) for the special measure(s) sought)*.

[or

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5. The reason[s] it is considered that (*witness*) should present information without the benefit of any special measure is [or are]:

*(explain why it is felt that no special measures are required).*

6. (*witness*) and the parent[s] of [or [person[s] with parental responsibility for] (*witness*) has [or have] expressed the following view[s] on the special measure[s] that is [or are] considered most appropriate [or the appropriateness of (*witness*) presenting information without the benefit of any special measure]:

*(specify the view(s) expressed and how they were obtained).*

7. Other information considered relevant to this application is as follows:

*(state briefly any other information relevant to the child witness notice).*

8. The applicant asks the sheriff to—

(a) consider this child witness notice; and

(b) make an order authorising the special measure[s] sought;

[or

(b) make an order authorising the presenting of information by (*witness*) without the benefit of special measures.]

SIGNED

*(signature)*

*(place and date)*

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## Form S6.2B

### Vulnerable Witness Application

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

#### VULNERABLE WITNESS APPLICATION

under section 12 of the Vulnerable Witnesses (Scotland) Act 2004

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

by

*(participant)*

1. The applicant is *(participant)*.
2. The applicant has cited [or intends to cite] *(witness)*, *(date of birth)* as a witness.
3. The applicant considers that *(witness)* is a vulnerable witness under section 11(1)(b) of the Vulnerable Witnesses (Scotland) Act 2004 for the following reasons:  
  
*(specify why the witness is considered to be a vulnerable witness.)*
4. The applicant considers that the following special measure[s] is [or are] the most appropriate for the purpose of *(witness)* presenting information:  
  
*(specify any special measure(s) sought).*
5. The reason[s] this [or these] special measure[s] is [or are] considered the most appropriate is [or are] as follows:  
  
*(specify the reason(s) for the special measure(s) sought).*



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6. (witness) has expressed the following view[s] on the special measure[s] that is [or are] considered most appropriate:

*(specify the view(s) expressed and how they were obtained.)*

7. Other information considered relevant to this application is as follows:

*(state briefly any other information relevant to the vulnerable witness application).*

8. The applicant asks the sheriff to—

- (a) consider this vulnerable witness application; and
- (b) make an order authorising the special measure[s] sought.

SIGNED

*(signature)*

*(place and date)*

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

## Form S6.2C

### Vulnerable Witness: Arrangements Review Application

SHERIFFDOM OF *(name of sheriffdom)* AT *(name of sheriff court)*

Court ref: *(ref)*

#### APPLICATION FOR REVIEW OF ARRANGEMENTS FOR A VULNERABLE WITNESS

under section 13 of the Vulnerable Witnesses (Scotland) Act 2004

IN THE

INQUIRY INTO THE DEATH OF *(deceased)*

by

*(participant)*

1. The applicant is *(participant)*.
2. A hearing is fixed for *(date)* at *(time)*.
3. *(witness)* is a witness who is to present information at, [or for the purposes of the hearing *(witness)* is a child witness [or vulnerable witness] under section 11 of the Vulnerable Witnesses (Scotland) Act 2004.
4. The current arrangements for *(witness)* presenting information are *(specify the current arrangements)*.
5. The current arrangements should be reviewed because *(specify reasons for review)*.
6. *(witness)* [and the parent[s] of [or person[s] with parental responsibility for] *(witness)* has [or have] expressed the following view[s] on the special measure[s] that is [or are] considered most appropriate [or the appropriateness of *(witness)* presenting information without the benefit of any special measure]:

*(specify the view(s) expressed and how they were obtained.)*

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

7. The applicant seeks (*specify the order sought*).

SIGNED

(*signature*)

(*place and date*)