

2017 No. 156

SHERIFF COURT

**The Inquiries into Fatal Accidents and Sudden Deaths etc.
(Scotland) Act 2016 (Consequential Provisions) Regulations
2017**

<i>Made</i> - - - -	<i>16th May 2017</i>
<i>Laid before the Scottish Parliament</i>	<i>17th May 2017</i>
<i>Coming into force</i> - -	<i>15th June 2017</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 41(1) and (2) of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (Consequential Provisions) Regulations 2017 and come into force on 15th June 2017.

The Fatal Accidents and Sudden Deaths Inquiry Procedure (Scotland) Rules 1977

2. The Fatal Accidents and Sudden Deaths Inquiry Procedure (Scotland) Rules 1977(b) are revoked.

The Merchant Shipping (Returns of Births and Deaths) Regulations 1979

3. In regulation 7(1) of the Merchant Shipping (Returns of Births and Deaths) Regulations 1979 (records of deaths where master unable to act)(c), for “Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976” substitute “Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016”.

The Fatal Accidents and Sudden Deaths Inquiry Procedure (Scotland) Amendment Rules 1992

4. The Fatal Accidents and Sudden Deaths Inquiry Procedure (Scotland) Amendment Rules 1992(d) are revoked.

(a) 2016 asp 2. Section 3(3) is repealed by article 2(2) of S.I. 2016/1142.

(b) S.I. 1977/191.

(c) S.I. 1979/1577. Regulation 7(1) is equivalently amended in England and Wales and Northern Ireland by paragraph 10 of the schedule of S.I. 2016/1142. Regulation 7(3) is amended in Scotland, England and Wales and Northern Ireland by paragraph 2 of that schedule.

(d) S.I. 1992/1568.

The Transfer of Functions (Lord Advocate and Secretary of State) Order 1999

5. In the schedule of the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (functions transferred from the Lord Advocate to the Secretary of State)(a), omit the entry relating to section 7 of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976(b).

The National Health Service (Discipline Committees) (Scotland) Regulations 2006

6. In regulation 6(3) of the National Health Service (Discipline Committees) (Scotland) Regulations 2006 (time limits)(c), for “Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976” substitute “Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016”.

The Fatal Accidents and Sudden Deaths Inquiry Procedure (Scotland) Amendment Rules 2007

7. The Fatal Accidents and Sudden Deaths Inquiry Procedure (Scotland) Amendment Rules 2007(d) are revoked.

Saving provision

8. Regulations 2 to 7 do not apply to inquiries to which the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 continues to apply by virtue of regulation 4(1) of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (Commencement No. 3, Transitional and Saving Provisions) Regulations 2017(e).

ANNABELLE EWING

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
16th May 2017

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- (a) S.I. 1999/678. There are amendments to S.I. 1999/678 not relevant to this Order. The entry relating to the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 is equivalently repealed in England and Wales and Northern Ireland by paragraph 11 of the schedule of S.I. 2016/1142.
- (b) 1976 c.14. There are amendments to the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 not relevant to these Regulations.
- (c) S.S.I. 2006/330. Regulation 6 was amended by S.S.I. 2010/226 and 2012/36.
- (d) S.S.I. 2007/478.
- (e) S.S.I. 2017/155.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in consequence of the coming into force of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (the “2016 Act”) on 15th June 2017. The 2016 Act replaces the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (the “1976 Act”).

Regulation 2 revokes the Fatal Accidents and Sudden Deaths Inquiry Procedure (Scotland) Rules 1977. Regulations 4 and 7 revoke amending instruments.

Regulation 3 amends the Merchant Shipping (Returns of Births and Deaths) Regulations 1979 to update a reference to the 1976 Act. This is related to the amendment to section 108(6) of the Merchant Shipping Act 1995 made in paragraph 5 of schedule 2 of the 2016 Act.

Regulation 5 amends the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 to remove a redundant reference to the 1976 Act.

For England and Wales, parallel amendments to those contained in regulations 3 and 5 are made in paragraphs 10 and 11 of the schedule of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1142).

Regulation 6 amends the National Health Service (Discipline Committees) (Scotland) Regulations 2006 to update a reference to the 1976 Act.

Regulation 8 is a saving provision with effect that the amendments and revocations referred to do not apply in relation to an inquiry under the 1976 Act. This is to reflect that for a transitional period there will be inquiries taking place under both the 1976 and 2016 Acts.

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