



# Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016

## 2016 asp 2

### *Specialist sheriffs and summary sheriffs*

#### **37 Judicial specialisation in inquiries**

- (1) The sheriff principal of a sheriffdom may designate one or more sheriffs or summary sheriffs of that sheriffdom as specialists in inquiries for the purposes of this Act.
- (2) The sheriff principal may at any time withdraw a designation made under subsection (1).
- (3) The Lord President of the Court of Session may designate one or more part-time sheriffs or part-time summary sheriffs as specialists in inquiries for the purposes of this Act.
- (4) The Lord President may at any time withdraw a designation made under subsection (3).
- (5) The designation of a sheriff, summary sheriff, part-time sheriff or part-time summary sheriff (a “designated judicial officer”) under subsection (1) or (3) does not affect the competence of any other member of the judiciary of the sheriffdom to conduct inquiry proceedings.
- (6) Subsection (7) applies where the sheriff principal is exercising any function relating to the allocation of inquiry proceedings.
- (7) The sheriff principal must have regard to the desirability of ensuring that inquiry proceedings are conducted by a designated judicial officer.
- (8) In subsection (5), the reference to a member of the judiciary of the sheriffdom is to be construed in accordance with section 136(2) of the Courts Reform (Scotland) Act 2014.

#### **Commencement Information**

**II** [S. 37](#) in force at 15.6.2017 by [S.S.I. 2017/155](#), [reg. 2](#) (with [reg. 5](#))

---

**Changes to legislation:** *Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, Cross Heading: Specialist sheriffs and summary sheriffs is up to date with all changes known to be in force on or before 29 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

### 38 Summary sheriff: competence to conduct inquiries

A summary sheriff may, in relation to inquiry proceedings, exercise the jurisdiction and powers that attach to the office of sheriff.

#### Commencement Information

I2 [S. 38](#) in force at 15.6.2017 by [S.S.I. 2017/155](#), [reg. 2](#) (with [reg. 5](#))

**Changes to legislation:**

Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, Cross Heading: Specialist sheriffs and summary sheriffs is up to date with all changes known to be in force on or before 29 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 3\(1\)](#)
- Sch. A1 inserted by [2023 c. 41 Sch. 11 para. 3\(2\)](#)