

*These notes relate to the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2) which received Royal Assent on 14 January 2016*

# **INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC. (SCOTLAND) ACT 2016**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Inquiries into deaths occurring in Scotland***

##### ***Section 4 – Discretionary inquiries***

29. [Section 4](#) reproduces the effect of section 1(1)(b) of the 1976 Act to give the Lord Advocate discretion to require an FAI to be held into a death in Scotland if the Lord Advocate considers that the death was sudden, suspicious or unexplained or occurred in circumstances which give rise to serious public concern, and that it is in the public interest to do so. Subsection (2) provides that the power to hold discretionary FAIs does not apply to a death where a mandatory FAI is required.