

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Inquiries into deaths occurring in Scotland

Section 5 – Certain deaths and accidents to be treated as occurring in Scotland

30. **Section 5** restates section 9 of the 1976 Act. Section 5 operates to ensure that a death or accident is to be treated as having occurred in Scotland if it was connected to certain activities related to the offshore oil and gas industry and took place within the area of sea adjacent to Scotland which is treated as being subject to Scottish civil law¹. The 2016 Act does this by defining the activities and areas regulated by reference to section 11(2) of the Petroleum Act 1998, with the effect that those activities and that area subject to section 11(2) are also covered by the 2016 Act. The Scottish Government proposes that the Order under section 104 of the Scotland Act 1998 will extend the effect of this section to England and Wales and Northern Ireland; this is consistent with the previous position under section 9 of the 1976 Act.

¹ See the Civil Jurisdiction (Offshore Activities) Order 1987.