
Changes to legislation: *Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 is up to date with all changes known to be in force on or before 28 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*

SCHEDULE 1

(introduced by section 36(6))

PROCEDURE RULES

Role of the Scottish Civil Justice Council

- 1 (1) The Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 is amended in accordance with this paragraph.
- (2) In subsection (1) of section 2 (functions of the Council)—
- (a) before paragraph (c) insert—
 - “(bb) to review the practice and procedure followed in inquiry proceedings under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016,”
 - (b) in paragraph (c), after sub-paragraph (ia) insert—
 - “(ib) draft inquiry procedure rules.”
- (3) After subsection (6A) of that section insert—
- “(6B) For the purposes of this Part, “draft inquiry procedure rules” are draft rules prepared with a view to the making by the Court of Session of an act of sederunt under section 36(1) of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.”
- (4) In section 4 (Court of Session to consider rules)—
- (a) in subsection (1), after “draft fees rules” insert “ or draft inquiry procedure rules ”,
 - (b) in subsection (2), after “draft fees rules” insert “ or draft inquiry procedure rules ”,
 - (c) in subsection (3), after paragraph (b) insert—
 - “(c) under section 36(1) of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.”
- (5) In section 16 (interpretation of Part 1), after the entry relating to draft civil procedure rules insert—
- ““draft inquiry procedure rules” has the meaning given in section 2(6B).”

SCHEDULE 2

(introduced by section 39(2))

MODIFICATION OF ENACTMENTS

Gas Act 1965

- 1 In the Gas Act 1965, section 17(4) (accidents) is repealed.

Commencement Information

II Sch. 2 para. 1 in force at 15.6.2017 by S.S.I. 2017/155, reg. 2 (with regs. 4(2), 5)

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Health and Safety at Work etc. Act 1974

- 2 (1) The Health and Safety at Work etc. Act 1974 is amended in accordance with this paragraph.
- (2) Section 14(7) (power of the Health and Safety Executive to direct investigations and inquiries) is repealed.
- (3) In section 34(1) (extension of time for bringing summary proceedings), for paragraph (d) substitute—
- “(d) an inquiry into any death that may have been so caused is held under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016,”.

Commencement Information

I2 Sch. 2 para. 2 in force at 15.6.2017 by S.S.I. 2017/155, reg. 2 (with regs. 4(2), 5)

Oil and Gas (Enterprise) Act 1982

- 3 In schedule 3 of the Oil and Gas (Enterprise) Act 1982, paragraph 34 is repealed.

Commencement Information

I3 Sch. 2 para. 3 in force at 15.6.2017 by S.S.I. 2017/155, reg. 2 (with regs. 4(2), 5)

Anatomy Act 1984

- 4 In section 4(6) of the Anatomy Act 1984 (lawful examinations), for “Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976” substitute “Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016”.

Commencement Information

I4 Sch. 2 para. 4 in force at 15.6.2017 by S.S.I. 2017/155, reg. 2 (with regs. 4(2), 5)

Merchant Shipping Act 1995

- 5 (1) The Merchant Shipping Act 1995 is amended in accordance with this paragraph.
- (2) In section 108(6)(a)(iii) (returns of births and deaths in ships, etc.), for “Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976” substitute “Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016”.
- (3) In section 271(6)(c) (inquiries into deaths of crew members and others), for “enquiry is to be held under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976” substitute “inquiry is to be held under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016”.

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Commencement Information

I5 Sch. 2 para. 5 in force at 15.6.2017 by S.S.I. 2017/155, reg. 2 (with regs. 4(2), 5)

Criminal Procedure (Consequential Provisions) (Scotland) Act 1995

- 6 In schedule 4 of the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, paragraph 10 is repealed.

Commencement Information

I6 Sch. 2 para. 6 in force at 15.6.2017 by S.S.I. 2017/155, reg. 2 (with regs. 4(2), 5)

Petroleum Act 1998

- 7 In schedule 4 of the Petroleum Act 1998, paragraph 9 is repealed.

Commencement Information

I7 Sch. 2 para. 7 in force at 15.6.2017 by S.S.I. 2017/155, reg. 2 (with regs. 4(2), 5)

Freedom of Information Act 2000

- 8 In section 31(1)(i) of the Freedom of Information Act 2000 (law enforcement), for “Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976” substitute “Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016”.

Commencement Information

I8 Sch. 2 para. 8 in force at 15.6.2017 by S.S.I. 2017/155, reg. 2 (with regs. 4(2), 5)

Scottish Public Services Ombudsman Act 2002

- 9 In schedule 4 of the Scottish Public Services Ombudsman Act 2002, in paragraph 2(2), for “Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c.14)” substitute “Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016”.

Commencement Information

I9 Sch. 2 para. 9 in force at 15.6.2017 by S.S.I. 2017/155, reg. 2 (with regs. 4(2), 5)

Freedom of Information (Scotland) Act 2002

- 10 (1) The Freedom of Information (Scotland) Act 2002 is amended in accordance with this paragraph.
- (2) In section 34(2)(a) (investigations by Scottish public authorities and proceedings arising out of such investigations), for “Fatal Accidents and Sudden Deaths Inquiry

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(Scotland) Act 1976 (c.14)” substitute “ Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 ”.

- (3) In section 37(3) (court records, etc.), for “Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c.14)” substitute “ Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 ”.

Commencement Information

I10 Sch. 2 para. 10 in force at 15.6.2017 by S.S.I. 2017/155, reg. 2 (with regs. 4(2), 5)

Police, Public Order and Criminal Justice (Scotland) Act 2006

- 11 (1) The Police, Public Order and Criminal Justice (Scotland) Act 2006 is amended in accordance with this paragraph.
- (2) In section 33A(b)(ii) (general functions of the Police and Investigations Review Commissioner), for “Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c.14)” substitute “ Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 ”.
- (3) In section 41B(2)(b)(ii) (serious incidents involving the police), for “Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c.14)” substitute “ Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 ”.
- (4) In section 41C(2)(b)(ii) (investigation of matters in the public interest), for “Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c.14)” substitute “ Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 ”.

Commencement Information

I11 Sch. 2 para. 11 in force at 15.6.2017 by S.S.I. 2017/155, reg. 2 (with regs. 4(2), 5)

Scottish Commission for Human Rights Act 2006

- 12 In section 14(9) of the Scottish Commission for Human Rights Act 2006 (power to intervene), for “Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c.14)” substitute “ Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 ”.

Commencement Information

I12 Sch. 2 para. 12 in force at 15.6.2017 by S.S.I. 2017/155, reg. 2 (with regs. 4(2), 5)

Armed Forces Act 2006

- 13 In schedule 16 of the Armed Forces Act 2006, paragraph 72 is repealed.

Commencement Information

I13 Sch. 2 para. 13 in force at 15.6.2017 by S.S.I. 2017/155, reg. 2 (with regs. 4(2), 5)

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Coroners and Justice Act 2009

- 14 In the Coroners and Justice Act 2009, section 50 (amendments to the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976) is repealed.

Commencement Information

I14 Sch. 2 para. 14 in force at 15.6.2017 by S.S.I. 2017/155, reg. 2 (with regs. 4(2), 5)

Energy Act 2013

- 15 (1) The Energy Act 2013 is amended in accordance with this paragraph.
- (2) In section 85 (inquiries), subsections (7) and (8) are repealed.
- (3) In schedule 10 (provisions relating to offences), in paragraph 3(1)(d), for “a public inquiry under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976” substitute “an inquiry under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016”.

Commencement Information

I15 Sch. 2 para. 15 in force at 15.6.2017 by S.S.I. 2017/155, reg. 2 (with regs. 4(2), 5)

Tribunals (Scotland) Act 2014

- 16 (1) Paragraph 13 of schedule 9 of the Tribunals (Scotland) Act 2014 (transitional and consequential) is amended in accordance with this paragraph.
- (2) In sub-paragraph (2)(b)(ii), in the inserted text, for “(ii)” substitute “(iza)”.
- (3) In sub-paragraph (4), in the inserted text, for “(7)” substitute “(6ZA)”.
- (4) In sub-paragraph (9), in subsection (1) of inserted section 13A, for “(c)(ii)” substitute “(c)(iza)”.
- (5) In sub-paragraph (10)(b), in the inserted text, for “2(7)” substitute “2(6ZA)”.

Commencement Information

I16 Sch. 2 para. 16 in force at 1.9.2016 by S.S.I. 2016/196, reg. 2(h)

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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\(2\)](#)