



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

2016 asp 2

Further inquiry proceedings

32 Initiating further proceedings

- (1) Where further inquiry proceedings are to be held in relation to the death of a person in accordance with section 30(2), the procurator fiscal must give the sheriff—
 - (a) notice that such proceedings are to be held, and
 - (b) a copy of the determination made in relation to the death (“the original determination”).
- (2) A notice under subsection (1)(a) must include—
 - (a) a brief account of the nature of the new evidence mentioned in section 30(2) (a),
 - (b) the Lord Advocate's view as to whether the further proceedings should consist of—
 - (i) the re-opening and continuation of the inquiry, or
 - (ii) the holding of a fresh inquiry, and
 - (c) any other information required by an act of sederunt under section 36(1).
- (3) On receiving notice and a copy of the original determination under subsection (1), the sheriff must make an order fixing a date and place for a hearing under subsection (4).
- (4) A hearing under this subsection is one at which the sheriff is to give the procurator fiscal and the participants in the inquiry to which the notice under subsection (1)(a) relates the opportunity to make representations about whether the further proceedings should consist of—
 - (a) the re-opening and continuation of the inquiry, or
 - (b) the holding of a fresh inquiry.
- (5) After the sheriff makes an order under subsection (3), the procurator fiscal must give notice to the participants in the inquiry to which the notice under subsection (1)(a) relates of the date and place fixed for the hearing.
- (6) After a hearing has been held under subsection (4), the sheriff must make an order—

Changes to legislation: *Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, Section 32 is up to date with all changes known to be in force on or before 05 March 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*

- (a) setting aside the original determination, and
 - (b) either—
 - (i) re-opening and continuing the inquiry into the death, or
 - (ii) requiring a fresh inquiry to be held into the death.
- (7) The sheriff may make an order under subsection (6)(b)(ii) only if the sheriff considers that it is in the public interest to do so.
- (8) Where the sheriff makes an order under subsection (6)(a), the Scottish Courts and Tribunals Service must publish, in such manner as it considers appropriate, a notice stating that the original determination has been set aside.

Commencement Information

II S. 32 in force at 15.6.2017 by [S.S.I. 2017/155](#), **reg. 2** (with [regs. 3, 5](#))

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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\(2\)](#)