



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

2016 asp 2

Further inquiry proceedings

33 Re-opened inquiries

- (1) Sections 15 to 18 apply in relation to a re-opened inquiry into the death of a person as they apply in relation to any other inquiry, subject to subsections (2) to (4).
- (2) The sheriff must, when making the order under section 32(6) re-opening the inquiry, also make an order under section 15(3) in relation to the re-opened inquiry (and section 15(1) (which requires the procurator fiscal to notify the sheriff that an inquiry is to be held) does not apply).
- (3) The procurator fiscal must give notice of the re-opened inquiry under section 17(1), in addition to the persons mentioned in section 17(2), to any person not mentioned in that section—
 - (a) who was a participant in the original inquiry proceedings, or
 - (b) to whom a recommendation in the determination in those proceedings was addressed by virtue of section 26(5)(b).
- (4) The notice required by section 17(1) and (3) must include notice of—
 - (a) the fact that the inquiry has been re-opened (and section 17(1)(a) does not apply), and
 - (b) the matters to which the new evidence relates.
- (5) Evidence may be brought forward at a re-opened inquiry only if it relates to a matter to which the new evidence relates.
- (6) But the sheriff may—
 - (a) require evidence to be brought forward about any other matter relating to the circumstances of the death, or
 - (b) on the application of the procurator fiscal or a participant in the inquiry, allow such evidence to be brought forward.
- (7) In this section—

“new evidence” means the new evidence mentioned in section 30(2)(a),

Changes to legislation: *Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, Section 33 is up to date with all changes known to be in force on or before 23 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*

“original inquiry proceedings” means the part of an inquiry held before it is re-opened under section 32(6),

“re-opened inquiry” means the part of an inquiry held after it is so re-opened.

Commencement Information

II S. 33 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\(2\)](#)