



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

2016 asp 2

Further inquiry proceedings

34 **Fresh inquiries** **S**

- (1) This section applies where the sheriff makes an order under section 32(6) setting aside the determination in an inquiry (“the original inquiry”) and requiring a fresh inquiry to be held.
- (2) The sheriff must, when making the order, also make an order under section 15(3) in relation to the fresh 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 fresh 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, or
 - (b) to whom a recommendation in the determination in that inquiry was addressed by virtue of section 26(5)(b).
- (4) The fresh inquiry is to be held in the sheriffdom in which the original inquiry was held (and section 13(2) (which requires the Lord Advocate to choose where the inquiry is to be held) does not apply).
- (5) Subsection (4) is subject to section 13(3).

Commencement Information

II S. 34 in force at 15.6.2017 by [S.S.I. 2017/155](#), [reg. 2](#) (with [regs. 3, 5](#))

Changes to legislation:

Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, Section 34 is up to date with all changes known to be in force on or before 19 April 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.

[View outstanding changes](#)

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\(2\)](#)