



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

## 2016 asp 2

### *Inquiries into deaths occurring abroad*

#### **7 Inquiries into deaths occurring abroad: service personnel**

- (1) An inquiry is to be held into the death of a person if—
  - (a) the Lord Advocate is notified in relation to the death under section 12(4) or (5) of the Coroners and Justice Act 2009 (investigation in Scotland of deaths of service personnel abroad),
  - (b) the death is within subsection (2) or (3), and
  - (c) the Lord Advocate—
    - (i) decides that it is in the public interest for an inquiry to be held into the circumstances of the death, and
    - (ii) does not reverse that decision.
- (2) The death of a person is within this subsection if the person was, at the time of death, in custody in circumstances analogous to legal custody (as construed by reference to section 2(5)).
- (3) The death of a person is within this subsection if the Lord Advocate considers that the death—
  - (a) was sudden, suspicious or unexplained, or
  - (b) occurred in circumstances giving rise to serious public concern.
- (4) But this section does not apply to a death within subsection (2) if the Lord Advocate is satisfied that the circumstances of the death have been sufficiently established in the course of any criminal proceedings against any person in respect of the death.