

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- 1 In the Gas Act 1965, section 17(4) (accidents) is repealed.

*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.

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(2) Section 14(7) (power of the Health and Safety Executive to direct investigations and inquiries) is repealed.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,”.

#### *Oil and Gas (Enterprise) Act 1982*

3 In schedule 3 of the Oil and Gas (Enterprise) Act 1982, paragraph 34 is repealed.

#### *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”.

#### *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”.

#### *Criminal Procedure (Consequential Provisions) (Scotland) Act 1995*

6 In schedule 4 of the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, paragraph 10 is repealed.

#### *Petroleum Act 1998*

7 In schedule 4 of the Petroleum Act 1998, paragraph 9 is repealed.

#### *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”.

#### *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”.

*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 (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”.

*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”.

*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”.

*Armed Forces Act 2006*

- 13 In schedule 16 of the Armed Forces Act 2006, paragraph 72 is repealed.

*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.

*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”

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substitute “an inquiry under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016”.

*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)”.