
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 196 (C. 17)

SHERIFF COURT

The Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (Commencement No. 1 and Transitional Provision) Regulations 2016

<i>Made</i>	- - - -	<i>8th June 2016</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>10th June 2016</i>
<i>Coming into force</i>	- -	<i>1st September 2016</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 42(2) and (3) of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016⁽¹⁾.

Citation and commencement

1. These Regulations may be cited as the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (Commencement No. 1 and Transitional Provision) Regulations 2016 and come into force on 1st September 2016.

Day appointed

2. 1st September 2016 is the day appointed for the coming into force of the following provisions of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016—

- (a) section 8 (family liaison charter);
- (b) section 12 (places at which inquiries may be held);
- (c) section 16(4) (power to make provision about preliminary hearings);
- (d) section 18 (agreement of facts before an inquiry);
- (e) section 27(4) (specification of fee and period for request for a copy of the transcript);
- (f) section 36 (power to regulate procedure etc.) in so far as not already in force;
- (g) section 39(2) (modification of enactments) for the purpose of bringing into force paragraph 16 of schedule 2; and

(h) paragraph 16 of schedule 2 (modification of the Tribunals (Scotland) Act 2014⁽²⁾).

Transitional provision

3. The reference to an “inquiry” in section 8(2) of the 2016 Act includes a reference to an inquiry under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976⁽³⁾, provided the inquiry was applied for under section 1 or 1A of that Act on or after 1st September 2016.

St Andrew’s House,
Edinburgh
8th June 2016

ANNABELLE EWING
Authorised to sign by the Scottish Ministers

(2) 2014 asp 10.

(3) 1976 c.14; section 1(4) was amended by the Armed Forces Act 2006 (c.52), schedule 16, paragraph 72(a) and (b); and section 1A was added by the Coroners and Justice Act 2009 (c.25), section 50(2).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force certain provisions of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (“the 2016 Act”) on 1st September 2016.

Regulation 2 specifies the appointed day on which sections 8, 12, 16(4), 18, 27(4), 36 (in so far as not already in force), 39(2), and paragraph 16 of schedule 2 come into force.

Section 8 provides for a family liaison charter to be published by the Lord Advocate.

Section 12 of the 2016 Act enables Scottish Ministers to make regulations designating places at which inquiries may be held.

Section 36(1) of the 2016 Act enables the Court of Session to make an act of sederunt regulating the practice and procedure to be followed in inquiry proceedings. Section 36(2) to (5) provides supplementary detail as to the content and scope of an act of sederunt made under section 36(1). Sections 16(4), 18, and 27(4) make further provision about what is to be contained in an act of sederunt.

Section 39(2) introduces schedule 2 of the 2016 Act and is commenced for the purpose of bringing paragraph 16 of schedule 2 into force. That paragraph makes modifications to paragraph 13 of schedule 9 of the Tribunals (Scotland) Act 2014. Paragraph 13 of schedule 9 of the 2014 Act makes consequential amendments to the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013. The effect of the amendments made by paragraph 16 of schedule 2 of the 2016 Act is to renumber certain provisions of the 2013 Act.

Regulation 3 contains transitional provision to require the family liaison charter prepared under section 8 of the 2016 Act to apply to inquiries held under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (“the 1976 Act”) applied for on or after the date on which these Regulations come into force. This is because inquiries will continue to be held under the 1976 Act until such time as the remainder of the 2016 Act is brought into force.

The Bill for the 2016 Act received Royal Assent on 14th January 2016. Sections 36(6), 40 to 43, and schedule 1 came into force on the following day.