
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force the provisions of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (“the 2016 Act”) on 15th June 2017 in so far as not already in force (see regulation 2).

Regulation 3 allows further inquiry proceedings under the 2016 Act to be held in cases where the original inquiry was held under the predecessor Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (“the 1976 Act”).

Regulation 4(1) is a saving provision, continuing the application of the 1976 Act for cases where the inquiry was applied for before 15th June 2017.

Regulation 4(2) is another saving provision reflecting that there will be a transitional period when both the 1976 Act and 2016 Act inquiries are taking place. Therefore, the amendments to enactments in schedule 2 of the 2016 Act (which replace references to the 1976 Act) do not apply to 1976 Act inquiries.

Regulation 5 is also a saving provision ensuring that the transition from the 1976 Act to the 2016 Act does not have the effect of preventing any inquiries that would have taken place had the 2016 Act not been commenced.

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.