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STATUTORY INSTRUMENTS

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**2016 No. 1142**

**The Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016**

**Mandatory inquiries: death in Scotland of service personnel**

- 6.—(1) An inquiry is to be held under 2016 Act into the death of a person if—
- (a) the death occurred in Scotland; and
  - (b) the person is within section 12(2) of the Coroners and Justice Act 2009<sup>(1)</sup> (investigation in Scotland).
- (2) For the purposes of—
- (a) section 1 of 2016 Act, an inquiry to be held by virtue of paragraph (1) is to be treated as if it were to be held in accordance with sections 2 to 7 of 2016 Act;
  - (b) sections 3(1), 4(2) and 11(1)(d)(ii) of 2016 Act, the death is to be treated as if it were a death within section 2(3) or (4) of 2016 Act.
- (3) Where an inquiry is held by virtue of paragraph (1)—
- (a) the Secretary of State may participate in the inquiry proceedings, and the reference in section 17(2)(a) of 2016 Act to a person appearing to the procurator fiscal to be entitled to participate in the inquiry under section 11(1)(a) to (d) includes a reference to the Secretary of State; and
  - (b) if the Secretary of State does so participate, references in 2016 Act to a participant in the inquiry include references to the Secretary of State.
- (4) For the purposes of this article, the death of a person is to be treated as having occurred in Scotland if it occurred in a relevant area.
- (5) In paragraph (4), “relevant area” means an area in respect of which it is provided by Order in Council under section 11(1) of the Petroleum Act 1998 that questions arising out of acts or omissions taking place in the area are to be determined in accordance with the law in force in Scotland.

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<sup>(1)</sup> [2009 c.25](#). Section 12(2) defines the relevant activities which bring the death outside the United Kingdom of a person subject to service law within section 12.