

Review of Fatal Accident Inquiry Legislation

Respondent Information Form

Please complete the details below and return it with your response. This will help ensure we handle your response appropriately. Thank you for your help.

Name: **MRS. SHIRLEY GRIERSON**

Postal Address:

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LANARK. ML11 7AB**

1. Are you responding (please tick one of the following boxes)

- (a) as an individual? (go to Q2)
(b) on behalf of a group or organisation? (go to Q4)

INDIVIDUALS

2. Do you agree to your response being made available to the public on the Review of Fatal Accident Inquiry Legislation website? (please tick one of the following boxes)

- Yes (go to Q3)
No **We will treat your response as confidential**

3. Where confidentiality is not requested, we will make your response available to the public on the following basis (please tick one of the following boxes)

- Yes, make my response, name and address all available
Yes, make my response available, but not my name or address
Yes, make my response and name available, but not my address

ON BEHALF OF GROUPS OR ORGANISATIONS:

4. The name and address of your organisation will be made available to the public on the Review of Fatal Accident Inquiry Legislation website. Are you also content for your response to be made available? (please tick one of the following boxes)

- Yes
No **We will treat your response as confidential**

Questions

Section 1- Introduction

There are no questions within this section of the consultation paper

Section 2- General

The questions from section 2 of the consultation paper are presented below.

1. Should there be any change in the purpose or the features of FAIs? (Please tick one box)

Yes

No

If yes, please outline the changes that you think should be introduced.

The family of the deceased should be aware of all going on at hearings

2. Should FAIs be held in some forum other than the sheriff court? (Please tick one box)

Yes

No

If yes, what forum would you suggest?

Perhaps somewhere the public can attend

Why have you suggested this forum?

my husband was killed by a
dangerous driver and I never
received much information.

3. Should specialist procurators fiscal handle FAIs? (Please tick one box)

Yes

No

Please explain your answer.

The judge who handled my
husbands trial was a
temporary judge and in my
opion and should have had
more of an interest to what
was going on

If you answered yes, above, should they be part of a centralised team dedicated to FAIs? (Please tick one box)

Yes

No

Please explain your answer.

Well that would be these
positive and dedicated work,
perhaps more could be done.

4. Should the scope of the Act be altered so as to cover FAIs into the death of a Scot abroad? (Please tick one box)

Yes

No

Please explain your answer.

5. Should it be possible for FAIs to be held, where appropriate, into multiple deaths in more than one jurisdiction? (Please tick one box)

Yes

No

Please explain your answer.

perhaps that would get more people involved and the victims family's would know more of what is going on.

Section 3- The decision that an FAI should be held

The questions from section 3 of the consultation paper are presented below.

6. Should the deaths which fall within the mandatory category be changed? (Please tick one box)

Yes, certain deaths should be added

Yes, certain deaths should be removed

Yes, both additions and removals should be made

No, no change should be made to the mandatory category

If you answered yes, that deaths should be added or removed, please explain your answer.

all fatal accidents are needing
to be made more public

7. Should the requirement to hold an FAI into a death which falls into the mandatory category be subject to exception?

(Please tick one box)

Yes

No

Please explain your answer.

Sorry can't explain.

8. Should other interested parties be able to make representations to the Lord Advocate during the decision making process? (Please tick one box)

Yes

No

If yes, which parties should be able to make representations?

all witnesses should be heard in court only. half the witnesses in my husband's trial were heard, no interest was shown.

Please explain why you feel that these parties should be able to make representations.

I also think family members should be listened to. There are things they might want to say and are not allowed.

9. Where the Lord Advocate decides not to hold an FAI, should a formal, reasoned decision be provided to relatives of the deceased? (Please tick one box)

Yes

No

Please explain your answer.

I was never told anything
till I heard it in court

Section 4- Holding an FAI

The questions from section 4 of the consultation paper are presented below.

10. Is adequate notice given to interested parties in advance of an application being made? (Please tick one box)

Yes

No

If no, please explain your answer and outline what you feel would be adequate notice.

I was never told of any
enquiry

11. Is adequate advice, information and support provided to the relatives of the deceased? (Please tick one box)

Yes

No

If no, what improvements could be made?

Things should be explained better my husbands case took 2 years to come to court so something need to be changed. My husband life was taken

12. Is the current approach to the provision of legal aid to relatives appropriate? (Please tick one box)

Yes

No

Please explain your answer.

Section 5: Evidence and procedure

The questions from section 5 of the consultation paper are presented below.

13. Should provision for preliminary hearings be made in respect of the whole of Scotland? (Please tick one box)

Yes

No

Please explain your answer.

why not.

14. Should evidential material be provided to parties in advance of the FAI? (Please tick one box)

Yes

No

Please explain your answer.

So let us know whats going to happen.

15. Should there be relaxation of the conditions under which signed and sworn statements can be used? (Please tick one box)

Yes

No

Please explain your answer.

But I personally don't understand the ratings on.

16. What can be done to ensure that the most authoritative independent experts are selected to give evidence at FAIs?

How can I say an answer when the law can't provide it.

17. Is there a place for expert assessors in FAIs? (Please tick one box)

Yes

No

If yes, should more use be made of them? (Please tick one box)

Yes

No

Please explain your answer.

Well maybe in my husband's case
it would maybe have put
a bit more pressure on the
guilty part.

18. Should the evidence of a witness at an FAI be inadmissible in other judicial proceedings? (Please tick one box)

Yes

No

Please explain your answer.

every witness should be
listened too

Section 6- Determinations

The questions from section 6 of the consultation paper are presented below.

19. Should there be guidance as to matters which should be covered by determinations? (Please tick one box)

Yes

No

Please explain your answer.

Sorry can't explain.

20. Would it be helpful to create an up to date public database of determinations? (Please tick one box)

Yes

No

Please explain your answer.

It might of helped my family to know what was going on.

21. Should responses to recommendations be monitored? (Please tick one box)

Yes

No

Please explain your answer.

/

If yes, should this be done centrally and by whom?

Yes

No

The best person in that type
of work.

If yes, to whom should any report be made?

Public.

22. Should the Lord Advocate be able to apply for a further FAI or the re-opening of an FAI? (Please tick one box)

Yes

No

If no, why not?

well why not say I.

If yes, should this only be in limited circumstances? (Please tick one box)

Yes

No

Please explain your answer.

End of questions

new cases

Additional space for responses

If using these pages, please ensure that you give the number of the question that your response refers to.

My husband was killed by a man overtaking on a bend and still on the wrong side of the road. Only half the witnesses were called. The accused pleaded not guilty but admitted to being on the wrong side of the road. In my opinion the jury were asked to drop the case of dangerous driving and put it down to with and due care and attention so he was fined £1000 and banned for 1 year. I asked to appeal and was by the crown no. So I haven't heard nothing since. What is the point in going to trial if it can all be turned round on half the accused. So if there was more enquiries into the accident at a F.A.I. case might turn out for the better for the victim and families

my husband's court case was
case 3. GLASGOW HIGH COURT.

December 3RD — 5TH 2008

THE ACCIDENT HAPPENED ON 3.10.2006

MR. GRANT A. EWING

ACCUSED OF DEATH BY DANGEROUS DRIVING

● MY HUSBAND MR. THOMAS FRIERSON
WAS 58 YEARS OLD. LEFT 2 SONS
A DAUGHTER. 3 granddaughters 1 grandson
and myself of course. who are all
devastated

● Justice yet ~~was~~^{us}. No remorse from
the accused. And no response from
the court after the case.

Surely someone can help people like
myself.

Phone no. 01555 660461

Mrs. Shirley Johnson