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To: Review of Fatal Accident Inquiry Legislation
Subject: Consultation Response

Review of Fatal Accident Inquiry Legislation

RESPONDENT INFORMATION DETAILS

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Share Response Permission: No

Consultation Questions
 Review of Fatal Accident Inquiry Legislation

<i>Question 1: Should there be any change in the purpose or the features of FAIs?</i>	
<i>Question 2: Should FAIs be held in some forum other than the sheriff court? If yes, what forum would you suggest?</i>	
<i>Question 3: Should specialist procurators fiscal handle FAIs? If you answered yes, above, should they be part of a centralised team dedicated to FAIs?</i>	
<i>Question 4: Should the scope of the Act be altered so as to cover FAIs into the death of a Scot abroad?</i>	

<p>Question 5: Should it be possible for FAIs to be held, where appropriate, into multiple deaths in more than one jurisdiction?</p>	
<p>Question 6: Should the deaths which fall within the mandatory category be changed? If you answered yes, that deaths should be added or removed, please explain your answer.</p>	
<p>Question 7: Should the requirement to hold an FAI into a death which falls into the mandatory category be subject to exception?</p>	
<p>Question 8: Should other interested parties be able to make representations to the Lord Advocate during the decision making process? If yes, which parties should be able to make representations?</p>	
<p>Question 9: Where the Lord Advocate decides not to hold an FAI, should a formal, reasoned decision be provided to relatives of the deceased?</p>	
<p>Question 10: Is adequate notice given to interested parties in advance of an application being made? If no, please explain your answer and outline what you feel would be adequate notice.</p>	
<p>Question 11: Is adequate advice, information and support provided to the relatives of the deceased? If no, what improvements could be made?</p>	
<p>Question 12: Is the current approach to the provision of legal aid to relatives appropriate?</p>	
<p>Question 13: Should provision for preliminary hearings be made in respect of the whole of Scotland?</p>	
<p>Question 14: Should evidential material be provided to parties in advance of the FAI?</p>	
<p>Question 15: Should there be relaxation of the conditions under which signed and sworn statements can be used?</p>	
<p>Question 16: What can be done to ensure that the most authoritative independent experts are selected to give evidence at FAIs?</p>	
<p>Question 17: Is there a place for expert assessors in FAIs? If yes, should more use be made of them?</p>	

<i>Question 18: Should the evidence of a witness at an FAI be inadmissible in other judicial proceedings?</i>	
<i>Question 19: Should there be guidance as to matters which should be covered by determinations?</i>	
<i>Question 20: Would it be helpful to create an up to date public database of determinations?</i>	
<i>Question 21: (a) Should responses to recommendations be monitored? If yes, should this be done centrally and by whom? If yes, to whom should any report be made?</i>	<p>The Accident Investigation Branches (Rail – RAIB; Air – AAIB; and Marine - MAIB) are the, mode specific, independent accident investigation organisations for the UK. The AIBs are entirely independent of their respective industries, safety regulators and prosecution bodies and their investigations are focused solely on safety improvement. They do not apportion blame or liability nor enforce law or carry out prosecutions. The purpose of their investigations is to improve safety, and to prevent further accidents from occurring. They achieve this by identifying the causes of accidents along with any other factors that contributed to the event or made the outcome worse, such as technical or operational factors or those arising from management systems, and then making recommendations to reduce the likelihood of similar occurrences in the future. There is therefore potential that recommendations from a FAI could conflict with those from an AIB, particularly if the FAI is held before completion of the AIB investigation. Has any consideration been given as to how to resolve any potential conflict between differing recommendations from two public bodies? , ,</p>
<i>Question 22: Should the Lord Advocate be able to apply for a further FAI or the re-opening of an FAI? If yes, should this only be in limited circumstances?</i>	

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