

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 can handle your response appropriately. Thank you for your help.

Name: Royal Pharmaceutical Society
Postal Address: 36 York Place, Edinburgh EH1 3HU

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)

We have answered only those questions which we feel might have a relevance to pharmacy practice.

INDIVIDUALS

2. Do you agree to your response being made available to the public of 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 OF 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 content for your response to be made available? (please tick one of the following boxes)

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

Consultation Questionnaire

This questionnaire document accompanies the consultation paper and is intended for you to record your response to the questions raised within the paper. The questions which appear in the consultation paper are presented in full below and are numbered and are ordered as they appear in the consultation paper.

You should read through the consultation paper and then record your answer to each question in the space provided. Please answer as many questions as you wish; you do not need to answer all of the questions if you do not wish to do so.

Additional pages are also provided at the end of the document in case further space is required for your response to any of the questions.

Please send this completed consultation questionnaire and your respondent information form (see the information on “handling your response” in the consultation paper) to:

Andrew.Mackenzie@FAIreview.org

or

Andrew P. Mackenzie

Secretary to the Review of Fatal Accident Inquiry Legislation

50 Frederick Street

Edinburgh

EH2 1NG

If you have any queries please contact Andrew Mackenzie on 0131 225 5972.

The consultation document can also be viewed online at

<http://www.scotland.gov.uk/FAIreview>

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.

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?

Why have you suggested this forum?

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

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

Yes
No

Please explain your answer.

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.

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.

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.

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.

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?

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?

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

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.

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.

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?

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.

14. Should evidential material be provided to parties in advance of the FAI?

Yes

No

Please explain your answer.

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.

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

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.

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

Yes
No

Please explain your answer.

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.

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.

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

If yes, to whom should any report be made?

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

Yes
No

If no, why not?

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

Yes
No

Please explain your answer.

End of questions.

Additional space for responses

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