

PE2085/D: Introduce a statutory definition of residency for Fatal Accident Inquiries into the deaths of Scots abroad

First Minister submission, 15 July 2024

Thank you for your letter of 29 May 2024, drawing my attention to petition PE2085 which seeks to introduce a statutory definition of ordinary residence for Fatal Accident Inquiries into deaths abroad.

I understand that at FMQs on 8th February 2024, Michael Marra MSP raised the issue of FAls into deaths abroad, specifically regarding his constituent David Cornock, whose son died in Thailand in 2019.

I would firstly like to extend my condolences to Mr Cornock and his family regarding the tragic death of his son in such difficult circumstances.

I understand that my predecessor Humza Yousaf MSP asked the Cabinet Secretary for Justice and Home Affairs to consider the question of ordinary residence regarding deaths abroad following FMQ's on 8th February. Ms Constance wrote to Mr Marra on the 15th April 2024 addressing his concerns following on from these discussions.

I am advised that Scottish Government officials have been working on this issue with the Crown Office for some time, and that a conclusion was reached that it was not necessary to change the law at this present time. As it is the Crown Office who investigate deaths, officials have sought their views on the operation and effectiveness of the current law. The Crown Office have advised that that the definition of ordinary residence in common law is sufficient to allow the Lord Advocate to conduct an assessment into ordinary residence depending on the facts and circumstances of each particular case. This is something that will be kept under review and officials will continue to liaise with the Crown Office regarding this matter.

JOHN SWINNEY