

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

Police Scotland written submission, 8 October 2024

As the Committee is aware, Section 6 of the Inquiries into Fatal Accident and Sudden Death etc (Scotland) Act 2016 deals with Inquiries into deaths which occur abroad. In terms of Section 6 (1) (b) an Inquiry will only be held if, at the time of death, the deceased was “ordinarily resident” in Scotland. In terms of Section 6 (3) the decision to hold a Fatal Accident Inquiry into a death which occurred abroad lies solely with the Lord Advocate. Accordingly, the Police Service of Scotland is not required to consider if the deceased was “ordinarily resident” at the time of their death. This is a matter to be determined by the Lord Advocate prior to instruction of any relevant investigation.