

**2017 No. 155 (C. 13)**

**SHERIFF COURT**

**The Inquiries into Fatal Accidents and Sudden Deaths etc.  
(Scotland) Act 2016 (Commencement No. 3, Transitional and  
Saving Provisions) Regulations 2017**

|  |                       |
|--|-----------------------|
| <i>Made</i> - - - -                        | <i>16th May 2017</i>  |
| <i>Laid before the Scottish Parliament</i> | <i>17th May 2017</i>  |
| <i>Coming into force</i> - -               | <i>15th June 2017</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 42(2) and (3) of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016(a).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (Commencement No. 3, Transitional and Saving Provisions) Regulations 2017 and come into force on 15th June 2017.

(2) In these Regulations—

“the 1976 Act” means the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976(b);  
and

“the 2016 Act” means the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.

**Day appointed**

2. 15th June 2017 is the day appointed for the coming into force of the 2016 Act, in so far as not already in force.

**Further inquiry proceedings**

3. References to an “inquiry” in sections 30 to 35 of the 2016 Act (further inquiry proceedings) include reference to an inquiry under the 1976 Act.

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(a) 2016 asp 2. Section 3(3) is repealed by article 2(2) of S.I. 2016/1142.  
(b) 1976 c.14.

**Mandatory or discretionary inquiry applied for before 15th June 2017 to be held under the 1976 Act**

4.—(1) Despite the repeal of the 1976 Act by section 39(1) of the 2016 Act, the 1976 Act and the Fatal Accident and Sudden Deaths Inquiry Procedure (Scotland) Rules 1977<sup>(a)</sup> continue to have effect in relation to any inquiry applied for under section 1(1) or 1A(4)(b) of the 1976 Act before 15th June 2017.

(2) Paragraphs 1 to 15 of schedule 2 of the 2016 Act (modification of enactments) do not apply to inquiries to which the 1976 Act continues to apply by virtue of paragraph (1).

**Circumstances in which mandatory or discretionary inquiry into death occurring before 15th June 2017 is to be held under the 2016 Act**

5. An inquiry under the 2016 Act is to be held into a death occurring before 15th June 2017 where—

- (a) section 1(1)(a) or (b) or 1A(1) of the 1976 Act applies to the death; and
- (b) no inquiry has been applied for under section 1(1) or 1A(4)(b) of the 1976 Act.

*ANNABELLE EWING*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
16th May 2017

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(a) S.I. 1977/191 as amended by S.I. 1992/1568 and S.S.I. 2007/478.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations bring into force the provisions of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (“the 2016 Act”) on 15th June 2017 in so far as not already in force (see regulation 2).

Regulation 3 allows further inquiry proceedings under the 2016 Act to be held in cases where the original inquiry was held under the predecessor Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (“the 1976 Act”).

Regulation 4(1) is a saving provision, continuing the application of the 1976 Act for cases where the inquiry was applied for before 15th June 2017.

Regulation 4(2) is another saving provision reflecting that there will be a transitional period when both the 1976 Act and 2016 Act inquiries are taking place. Therefore, the amendments to enactments in schedule 2 of the 2016 Act (which replace references to the 1976 Act) do not apply to 1976 Act inquiries.

Regulation 5 is also a saving provision ensuring that the transition from the 1976 Act to the 2016 Act does not have the effect of preventing any inquiries that would have taken place had the 2016 Act not been commenced.

The Bill for the 2016 Act received Royal Assent on 14th January 2016. Sections 36(6), 40 to 43, and schedule 1 came into force on the following day.

## NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

*(This note is not part of the Regulations)*

| <i>Provision</i>   | <i>Date of Commencement</i> | <i>S.S.I. No.</i> |
|--|-----------------------------|-------------------|
| Section 8  | 1st September 2016          | 2016/196          |
| Section 12   | 1st September 2016          | 2016/196          |
| Sections 13 and 14   | 1st December 2016           | 2016/370          |
| Section 16(4)  | 1st September 2016          | 2016/196          |
| Section 18   | 1st September 2016          | 2016/196          |
| Section 27(4)  | 1st September 2016          | 2016/196          |
| Section 36 in so far as not already in force                                     | 1st September 2016          | 2016/196          |
| Section 39(2) for the purposes of bringing into force paragraph 16 of schedule 2 | 1st September 2016          | 2016/196          |
| Paragraph 16 of schedule 2   | 1st September 2016          | 2016/196          |

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