



The Scottish Parliament
Pàrlamaid na h-Alba

PUBLIC PETITION NO.

PE01745

Name of petitioner

James Jones

Petition title

Statutory Right for Families to Request a Fatal Accident Inquiry

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to ensure that families have a statutory right to request a Fatal Accident Inquiry.

Action taken to resolve issues of concern before submitting the petition

I have contacted the First Minister, my constituency MSP and my MP.

Petition background information

At present if the Lord Advocate decides not to hold a Fatal Accident Inquiry (FAI), families can only challenge that decision by a Judicial Review. For most families this course of action is beyond their financial means.

However, an amendment to section 8 of the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016 could give families a statutory right to request a FAI.

I was very much involved in the formulation of the new FAI 2016 Act, particularly concerning inquiries into Military deaths in Scotland. However, it was clear that once it was decided that a FAI would not be held, even in the public interest, families could only challenge the decision by means of a very expensive Judicial Review/Appeal system.

In a written submission to the Justice Committee, the Law Society of Scotland stated that if only a small number of families are dissatisfied with the decision of the Lord Advocate not to hold a FAI, then the creation of a statutory right to request an FAI may result in only a small number of additional hearings per annum throughout Scotland. Such hearings would provide closure to those families with unanswered questions, should have a minimal economic impact, but reinforce public confidence in Scotland's system of investigation. The society added that, ultimately, it would be a matter for the Sheriff at a Preliminary Hearing to decide upon the information placed before him or her by the family of the deceased and by Crown Office as to whether or not to hold an eventual inquiry.

Unique web address

<https://www.parliament.scot/GettingInvolved/Petitions/PE01745>

Related information for petition

Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

How many signatures have you collected so far?

0

Closing date for collecting signatures online

16 / 09 / 2019

Comments to stimulate online discussion

Should families be able to request a Fatal Accident Inquiry?