Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Bill

The Scottish Parliament’s Finance Committee invites organisations and individuals to submit written evidence setting out their views on the financial implications of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Bill.

The Bill

1. The Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Bill (the Bill) was introduced in the Scottish Parliament by the Scottish Government (the Government) on 19 March 2015.

2. The estimated financial implications of the Bill are set out in its accompanying Financial Memorandum (FM). A copy of the FM can be found at page 21 of the Explanatory Notes.

The Financial Memorandum

3. The Policy Memorandum (PM) states that the purpose of the Bill is to “reform and modernise the law governing the holding of Fatal Accident Inquiries (FAIs) in Scotland”. It would do this by repealing and re-enacting the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 “in a modern, easily read and understood style” and by implementing many of the recommendations made by Lord Cullen in his 2009 review of the Fatal Accident Inquiry Legislation¹ that have not yet been implemented.

4. The PM further states that “The policy objectives of the Bill are to--

   - build on the recommendations implemented by COPFS [Crown Office and Procurator Fiscal Service] to make the system more efficient;
   - extend the categories of death in which it is mandatory to hold a fatal accident inquiry;
   - place a requirement on those to whom sheriffs direct recommendations at the conclusion of the inquiry to respond;
   - permit discretionary FAIs into deaths of Scots abroad where the body is repatriated to Scotland;
   - permit FAIs to be re-opened if new evidence arises or, if the evidence is so substantial, to permit a completely new inquiry to be held; and
   - provide flexibility for the locations and accommodation for FAIs.”

How to submit evidence

The Justice Committee is expected to be the lead committee with responsibility for considering the Bill’s policy provisions. It expects to issue a separate call for evidence in the coming weeks.

The Finance Committee invites you to respond to the attached questions by **Friday 24 April 2015**. All responses should be sent electronically (in MS Word - no confirmatory hard copy required) to finance.committee@scottish.parliament.uk. Written responses will be handled in accordance with the Parliament's policy for handling written evidence received in response to calls for evidence.

What happens next?

All written evidence received will be considered and you may be invited to provide further information to the Committee in oral evidence. As a result of the sometimes tight deadlines for Parliamentary scrutiny of a Bill it is possible that any invitation to give evidence might be extended at relatively short notice.

Should you have any queries in relation to this, please do not hesitate to contact the Committee clerking team on Tel: 0131 348 5451
Finance committee questionnaire

This questionnaire is being sent to those organisations that have an interest in, or that may be affected by, the financial implications of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Bill. Estimates of the Bill’s financial implications are set out in its accompanying Financial Memorandum (FM), which can be found at page 21 of the Explanatory Notes.

In addition to the questions below, please add any other comments you may have which would assist the Finance Committee’s scrutiny of the FM.

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

3. Did you have sufficient time to contribute to the consultation exercise?

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?

Wider Issues

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?