

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

Petitioner written submission, 24 October 2025

Firstly, I am deeply concerned that myself as Petitioner, key stakeholders, the Lord Advocate, Cabinet Secretary for Justice and Home Affairs, expert witnesses such as Dave Doogan MP, Julie Love MBE and other interested parties - industry, trade unions, support groups etc despite repeated requests have not been called to speak. As is our right. This concern was justified at the 2nd hearing when the Deputy Convener's baseless but effective intervention attempted to close the petition. We are fully aware that the Cabinet Secretary for Justice and Home Affairs believes despite absolutely no supporting evidence that the current system based on the non-defined "Ordinarily Resident" term is fit for purpose.

It's clear that the Lord Advocate who applies the Law and Cabinet Secretary, who is responsible for making the law, must be called in order to prevent any deflection or misunderstanding of the obvious impasse in facilitating change. Both are currently publicly blaming each other.

As we are now aware my petition is receiving cross party support confirmed at the recent roundtable meeting Chaired by Michael Marra MSP and attended by MPs, MSPs, Industry, Foreign, Commonwealth & Development Office, Victim Support, Police Scotland, expert witnesses, trade unions, the press and others.

Michael has also drafted letters to go to the Cabinet Secretary for Justice and Home Affairs and the Convener of the Citizen Participation and Public Petitions Committee. These letters signed by MPs and MSPs will be copied to the Cabinet Secretary, the Lord Advocate and the First Minister for their information.

I believe we have established that there is consensus that the Ordinarily Resident term is a disqualification for an FAI under any circumstances following a suspicious death abroad, below are some disqualification criteria. This was provided by the Lord Advocate and Crown Office.

I have over 50 of these.

Deceased lived in Bulgaria for 11 months.

Deceased lived in the USA for 9 months.

Deceased moved to Kenya 6 months previously.

Deceased had a residency Visa in Dubai

It was also eloquently presented at the roundtable meeting by Senior industry figures that employees mobilised from Scotland may spend more time overseas on one working trip than the criteria above. These industries are issuing instructions that

should a suspicious fatality occur overseas that repatriation to Scotland is not an option. They are also looking at the insurance situation whereas we know insurance companies do not pay out on an undetermined or unnatural death.

Please find below a short statement from Dr Billy Milligan

Dr Billy Milligan BEng (Hons) MSc PhD CEng FInstMC MIET

Director of Instrumentation and Control | Chart Industries Fellow

Chart Industries

“Our organisation regularly deploys employees overseas for extended periods, often to locations associated with large-scale energy projects. These assignments can last several years, far exceeding some of the durations listed in the table supplied by the Lord Advocate. These locations often carry an increased risk with them as many of these projects are situated in regions that may not be considered desirable or straightforward travel destinations, which means we must always consult the Foreign, Commonwealth & Development Office to confirm whether travel is permitted and under what conditions. Given the nature and length of these postings, it is essential to have a clear and practical definition of “ordinarily resident.” This ensures compliance with legal and safety requirements, and provides clarity for both our employees and the organisation when operating in complex international environments.”

It's also statistically impossible that no FAIs have been undertaken in Scotland as official figures supplied by the Home Office confirm that in England and Wales annually since 2019 there have been 1300 coroners' inquests and an additional 400 inquests in an attempt to prevent future deaths. This totals over 10000. Scotland has had zero equivalent FAIs in that time despite apparent improvement in 2016 following the Lord Cullen report and the All-Party Parliamentary Group in 2019. Indeed, there have been zero FAIs since 2007.

We have also recently discovered that there is a dedicated murder and manslaughter team chaired by the FCDO attended by the Scottish and UK Government, Police Scotland support charities and expert witnesses. This team is dedicated to improving the system and support for families losing loved ones abroad. Charities including Victims Support Scotland are working closely with the FCDO and receive funding under the support for bereaved family's scheme. This is allocated to assist repatriation, referrals to other agencies and emotional and practical support. Again, despite attempting to engage this was never mentioned. My MP assisted in the provision of this information.

We have since confirmed that a Police Scotland Special Crime Unit at Gartcosh are positioned to investigate crimes abroad. Again, this information was denied.

Adding insult to injury the Scottish Government do not include murder and manslaughter in their overseas deaths statistics, further absolving themselves of responsibility.

It appears that our family and I am sure most of the 1000 other families since 2019 have been thwarted, misled, stalled, denied and I would suggest lied to in their quest for clarity truth and potential justice. The implications of this are severe both emotionally and financially.

As a minimum we require immediate parity with England on Wales and introduce and Inquest system or provide families the choice to repatriate to England or Wales.

I also recently had a meeting with the First Minister which I will respond to since then however the First Minister has publicly stated that he will look seriously at the Ordinarily Resident and FAI situation and will engage the Lord Advocate.

I am also keen to meet with the First Minister and discuss this situation and also the implications of the Hillsborough Law.

I believe that our journey has proven that beyond any reasonable doubt that whilst a system for the investigation of suspicious deaths abroad exists, it clearly from top to bottom is dysfunctional misunderstood and broken.

I also strongly request that I am called to speak, my MP Dave Doogan, the Lord Advocate, Cabinet Secretary for Justice and Home Affairs, Julie Love MBE, and other interested parties – industry, unions etc are also afforded this opportunity.