

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

Graham Duncan written submission, 27 October 2025

My involvement in the case of David Cornock's death stems from him being one of my ROV operational crews working for TechnipFMC. I have followed his father's attempts to navigate and understand the complexities of undetermined deaths of Scots abroad in an attempt to gain clarity of the system, and to make the legislation is more fit for purpose for those families who will undoubtedly face the same tortuous routes in the future.

It is clear that the use of 'Ordinarily Resident' as a primary rationale to decide if an FAI should be initiated following an undetermined death abroad, is hugely contentious and clearly is a bar to those many Scottish families seeking justice and closure.

A clearer definition in law directly, in the above respect, and a framework where all aspects on the deceased life tie into a consistent applied assessment.

The lack of any FAI's being undertaken is astonishing and points to a clear flaw in the Act and to contempt of our citizens by certain parts of the judiciary. It would seem use of the phrase sets the bar really high for the families and allows a path of least resistance to be pursued by others.

Oil and gas is a truly global industry, where many Scots habitually work abroad for months at a time. During Covid TechnipFMC vessels had crews onboard for 4-6 months at a time. If any of them had died at work in an undetermined fashion would they be classed as ordinarily resident? I suspect there may be some issues in that particular occurrence.

I support Davy and his family in their quests to ease the way forward for future cases which will undoubtedly continue. We have to do the best for them, not simply by having transparency of the system and its implications, but by doing the right thing by grieving families by improving a system that is clearly failing.

I firmly believe that the England/Wales system where undetermined death coroners' inquests are mandatory where one of their citizens died abroad, clearly works, and that we can learn valuable lessons from that process.

For my part I have advised the Global Director and Managers of crewing as to the progress of the petition and how it would affect individuals' positions going forward should any crew decide to exit Scotland on even a semi-permanent basis.