

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

Deputy Chief Constable written submission, 5 January 2026

I write in reference to the above and your recent correspondence dated 19 November 2025. As Deputy Chief Constable for Professionalism and Enabling Services, which includes Fatal Accident Inquiries, I am responding on behalf of The Chief Constable.

The Lord Advocate has responsibility for the investigation of all sudden, suspicious, accidental and unexplained deaths. This includes the sudden, suspicious, accidental, and unexplained deaths of children. Death investigations are conducted by the Crown Office and Procurator Fiscal Service on behalf of the Lord Advocate.

The Investigation of Deaths Abroad falls under the following legislation Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.

This Act outlines the circumstances in which the Lord Advocate may instruct the investigation of the death of a person, who is ordinarily resident in Scotland, where the death has occurred out with the United Kingdom.

The Investigation of Deaths Abroad sets out a clear process for Police Scotland in the receipt and allocation of death abroad investigations. It also establishes a consistent and effective communication pathway between COPFS and Police Scotland, and the collaborative relationship in support of death abroad investigations is well established.

Police Scotland's role is to gather the requested information and report the findings to COPFS who thereafter make decisions in respect of whether someone was or was not 'ordinarily resident' in Scotland, whether a postmortem in Scotland is required, and ultimately whether a Fatal Accident Inquiry will be held.

The assessment by COPFS of residency status is always an important one, and when Police Scotland is instructed to undertake further enquiries it's always an area that we seek to explore fully with the family in order to provide sufficient information to assist COPFS in their determination. It is Police Scotland's view that the current definition is sufficient. Police Scotland will always work collaboratively with COPFS when instructions are received, whether that is to assist in the investigation of death, or to assist in enquiries relating to the undertaking of a Fatal Accident Inquiry.

The coordination of requests from COPFS and any subsequent investigations is led by the Police Scotland Major Investigation Team.

In relation to your request regarding Police Scotland meeting with the petitioner, Mr Cornock, his representative and Michale Marra MSP, I would propose that the

Executive Lead for Major Crime, ACC Steve Johnson and Detective Chief Superintendent Paul Livingstone would be most suited to meet with. I have requested that ACC Johnson contacts Mr Marra to make a suitable arrangement.

Alan Speirs KPM

Deputy Chief Constable