

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

Petitioner written submission, 30 January 2026

The responses R, S & Q are ill-informed and dismissive to the one thousand families affected by this, and also to Parliamentarians.

Communications from the Lord Advocate, Police, and Cabinet Secretary are inaccurate and contradictory to previous evidence. This absence of candour severely affects industry trade unions global business and travellers.

On the record the Lord Advocate and COPFS have deemed over 50 Scots who have died overseas not Ordinarily Resident despite, on multiple occasions, only being overseas for a matter of months. The application of the Lord Cullen report has been an abysmal failure. The responses suggest collusion.

The suggestion that this law will be kept under review, demonstrably confirms the demeaning attitude of the Cabinet Secretary.

PE2085R

I welcome the Deputy Chief 's agreement to meet. However after 6 years I believe the Chief Constable should attend.

The Deputy Chief Constable now references Ordinarily Resident. Police Scotland in 2019 were not aware of this term. Police Scotland in 2019 produced a major incident report based on an undetermined, suspicious death and substandard foreign investigation. The criteria stated by all official Scottish organisations including the Lord Advocate, COPFS, SPICe, and the Cabinet Secretary.

My MP Dave Doogan has been in communication with the Parliamentary Under-Secretary of State, Hamish Falconer MP. Mr Falconer states "the FCDO can intervene in a case should concerns be raised regarding the pace quality and progress of any investigation or trial. Our interest in the case of every British national murdered abroad will be registered with the local authorities and intervention will consist of lobbying at a Ministerial level."

The Minister also states "if a family have serious concerns that their loved one died in suspicious circumstances, they should raise this with local UK Police who can contact the foreign component authority through policing channels." No exemption for Police Scotland nor any Ordinarily Resident test, The Minister correctly assumes that Scots remain UK Citizens and enjoy the protection of His Majesty's Government.

Dave also on the record has questioned the interaction between the Procurator Fiscal, Lord Advocate, Scottish Fatalities Investigation Unit and Crown agencies.

I have requested my MP contacts the FCDO and Ministers to contact the relevant Thai Authorities, and my MSP demands Police Scotland engagement.

I would remind the Deputy Chief Constable that it took 5 years for the COPFS to determine that our loved not Ordinarily Resident despite meeting the initial stated criteria.

The process does not allow the communication from the Under-Secretary of State's to be published.

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The Cabinet Secretary again states that the term Ordinarily resident is well established in common law and is widely used and doubles down on the indefensible position that a rigid definition would not resolve the underlying challenges. The Minister also references the Lord Scarman and Shah reports. The fact that there have been zero FAIs in Scotland since 2007 and zero since the Inquiries into Fatal and Sudden Deaths etc Scotland Act 2016, whilst in England and Wales since 2019 following 1700 Inquests per year there have been hundreds of equivalent FAI investigations into suspicious deaths abroad proves this statement to be statistically impossible allowing for the differences between Coroners' Inquests and FAIs. It also proves that it is an impossibly high bar given there is no definitive qualification. Ordinarily Residency has been denied following only months abroad.

[England and Wales Inquest figures: Figures for the death of foreign nationals abroad in England and Wales, Dave Doogan MP](#)

I would also strongly disagree that there is any objective assessment.

The Cabinet Secretary refers to the difficulties in engaging with foreign countries following a death abroad. At the previous hearing, this defence was challenged by Committee again referencing despite these difficulties England and Wales have had hundreds of investigations since 2019. These investigations are indeed not exceptional.

The Cabinet Secretary also states that whilst no FAIs have taken place families have been helped with answers and reassurance. I asked the Lord Advocate directly with MSPs, my MP and SFIU present if she could demonstrate one example of where a bereaved family had been satisfied with the involvement of Healthcare Scotland, SFIU and the Police demonstrating a system that works. She could not. I have also recently addressed this with the First Minister.

The referenced MOU which was due in 2019, completed in 2024 five years late simply tabulates the actions and responsibilities of all organisations is not legally binding and will prove ineffective as any contact will only take place following repatriation. Contained within is contradictory qualification for Ordinarily Resident from previous communications with the Lord Advocate, COPFS and the Cabinet Secretary.

Victims Support Scotland have recently engaged who until October 2025, believed that suspicious deaths abroad were not in their remit.

Significantly, VSS on hearing our story and the plight of potentially 1000 families openly stated that even if they were aware of a suspicious death abroad could not contact the family under GDPR restrictions. VSS had no concept of the differences between the Scottish and English systems, the Ordinarily Resident term, and its implications. VSS are now in direct contact with the Scottish Government and it appears that the Ordinarily Resident term may also be now applied in Domestic Homicide and Suicide review guidance. VSS were also unaware of this.

The Cabinet Secretary's final statement that "any legislative change would be for the incoming Scottish Government" reflects the standard response from Government officials in regard to this policy area and absolves responsibility. Immediate action is required.

PE2085Q

Whilst the slight improvements have been applied, these are minimal, and I believe they will ultimately prove ineffective. It is my belief that these changes should have been applied in 2019 following the roundtable attended by the First Minister, Cabinet Secretary for Justice and Home Affairs and, 60 families. We would now have concrete evidence of this failure.

I have addressed concerns the MOU Ordinarily Resident is not defined and the fundamental issue is that SFIU engagement following repatriation is too late and removes repatriation options.

We are all aware of the emotional and financial cost of not qualifying for Ordinarily Resident following repatriation. Our family have been irreparably emotionally damaged and our son's children made homeless.

The Lord Advocate references that our son David was declared not Ordinarily Resident by a Senior Advocate but has omitted that it took 5 years. As a reminder, David worked for an Aberdeen company, banked here, could vote, owned a home in the UK for a period, paid tax as required, had family connections and visited regularly.

David was not a Thai resident and was declared stateless by the Scottish Government.

Official UK deaths in Thailand average 500 per year with 29% undetermined. As we are aware the UK investigate hundreds of overseas deaths.

I dispute that relatives have been provided with answers, that they are satisfied and the priority is that the body is released for burial.

Loved ones require clarity, truth, and justice.

Direct communication from the Lord Advocate received via my MSP states that it is not within her remit/jurisdiction to determine whether current legislation into deaths abroad requires amendment, rather, it is a matter for the Scottish Parliament.

