

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

Jackie Baillie MSP written submission, 3 February 2026

I write on behalf of David Cornock, in relation to the above-noted petition submission PE2085/Q.

I am aware that the Committee is considering closing petitions but I would ask that consideration be given to keeping this one open.

You will, no doubt, be aware that Mr Cornock's son, David, died in what could be described as suspicious circumstances in 2019.

Since then, he has continued to press for changes in legislation which would accommodate parity in Scots law, for repatriated individuals whose death occurred abroad, with the law of England and Wales.

In England and Wales, a Coroner will conduct an inquest into the death of a UK citizen repatriated to their jurisdiction in cases where the death is unknown, unnatural, or foul play is suspected.

David Cornock was found dead by his wife in their home on the Thai island of Koh Samui in 2019.

Thai authorities did not conduct a post-mortem examination until eight days after Mr Cornock's death – by which time his cause of death could not be established as a result of the extent of decomposition.

The case was raised with both the Thai authorities and Interpol by the UK Foreign Office.

Unfortunately, David's family have been haunted by the fact that the circumstances of his death remain a mystery.

Mr Cornock has campaigned tirelessly to bring Scots law into line with that of England and Wales and to see the introduction of FAIs in respect of citizens who have died abroad in suspicious or unknown circumstances, on repatriation to their home nation.

Legislation (in the form of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016) places an obligation on the Crown only to investigate a death abroad in the event that the person was ordinarily resident in Scotland at the time of their death.

An Advocate Depute considered the information provided by Mr Cornock in respect of his son's status at the time of his death and concluded that it could not be said that David Cornock was ordinarily resident, therefore, there was no scope for an inquiry into his death.

Mr Cornock has presented his petition seeking to introduce a statutory definition of residency – in particular of ordinary residence – which he believes would assist in cases such as that of his son

It is unthinkable that a parent such as Mr Cornock, should be left without options to establish why his son died in unexplained circumstances, even whilst abroad, when he is a citizen of the United Kingdom.

He believes that clarification is required in law in order for legislation surrounding deaths abroad to be interpreted more clearly.

Scotland appears to lag behind the system in England and Wales and there have been no FAIs conducted into the deaths of Scots abroad following Lord Cullen's 2016 report into the mechanisms for the conduct of Fatal Accident Inquiries.

In the same period of time, more than 8,000 deaths abroad have been reported to coroners in England and Wales.

It appears that this situation is inconsistent with the Scottish Government's earlier determination that FAIs in relation to the deaths of Scots abroad would take place if it is in the public interest to do so or doing so is likely to prevent further deaths.

David Cornock worked abroad and was frequently absent from the country – the very minimum we can ask is the protection of UK citizens abroad when they are overseas for the purposes of work – and it appears that residents of Scotland are afforded lesser protections by the Scottish Government than their counterparts in England and Wales, a situation which cannot be allowed to continue.

The adoption of any process which assists with this goal should be considered.

For these reasons, I write in support of Mr Cornock's petition.

Many thanks for your assistance.