

Crown Office and Procurator Fiscal Service

Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA
Crown Agent's Office



Peter McGrath
Clerk to the Justice Committee
Scottish Parliament
EH99 1SP

Tel: 0131 243 3399
RNID Typetalk prefix: 18001

Via e-mail: justicecommittee@parliament.scot

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Dear Mr McGrath

Public Petitions PE1501 & PE1567

Thank you for your letter of 8 May 2017, in which the Justice Committee sought further information from COPFS as to what legislative mechanism is in place for COPFS to notify her Majesty's Coroner that a deceased's body has been repatriated to another country within the United Kingdom.

As I mentioned in my letter to you of 17 March where a death that has occurred in Scotland is investigated by the Procurator Fiscal and the deceased's body is subsequently repatriated to another country within the United Kingdom, it is a matter for the respective Her Majesty's Coroner in accordance with their own system of investigation of deaths to decide if they require to investigate a certain death. There is no legislative mechanism or requirement for COPFS to notify the Coroner of such a death and the types of fatality that HM Coroner is obliged to investigate are prescribed by the Coroners and Justice Act 2009, but I see no reason why as a matter of professional courtesy our Scottish Fatalities Investigation Unit cannot liaise either directly (or via the relevant investigating agency) with the appropriate Coroner to make the appropriate notification and similarly to advise bereaved relatives of that position, in keeping with the spirit of our Family Liaison Charter.

Whether that fatality falls within the terms of the 2009 Act to investigate will be a matter for the relevant Coroner, and I am therefore not able to provide any further information on these criteria, but I hope this is helpful in setting out the COPFS position going forward.

Yours sincerely



David Harvie
Crown Agent