

Citizen Participation and Public Petitions Committee  
Wednesday 25 February 2026  
5th Meeting, 2025 (Session 6)

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

### Introduction

**Petitioner** David Cornock

**Petition summary** Calling on the Scottish Parliament to urge the Scottish Government to introduce a statutory definition for Fatal Accident Enquiries into deaths abroad.

**Webpage** <https://petitions.parliament.scot/petitions/PE2085>

1. [The Committee last considered this petition at its meeting on 12 November 2025.](#) At that meeting, the Committee agreed to write to the Cabinet Secretary for Justice and Home Affairs, the Lord Advocate and the Chief Constable of Police Scotland.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from the Lord Advocate, the Deputy Chief Constable, the Cabinet Secretary for Justice and Home Affairs, the Petitioner, Jackie Baillie MSP, Michael Marra MSP, Billy Milligan, Dave Scott and Victim Support Scotland which are set out in **Annexe C**.
4. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial response to the petition on 27 March 2024.](#)
7. Every petition collects signatures while it remains under consideration. At the time of writing, 245 signatures have been received on this petition.

### Action

8. The Committee is invited to consider what action it wishes to take.

**Clerks to the Committee**  
**February 2026**

## **Annexe A: Summary of petition**

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

#### **Petitioner**

David Cornock

#### **Date Lodged**

28 February 2024

#### **Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to introduce a statutory definition for Fatal Accident Enquiries into deaths abroad.

#### **Background information**

We were informed through a third party and not official channels about the death of our dearly loved family member overseas. We have named suspects, suspected foul play and motive.

It's clear that the system defined by the Lord Advocate is broken and not understood by the Scottish Government as the 'term ordinarily resident' is undefined in law.

The common response is that the 2016 Lord Cullen report offers extra support. There have been no FAls following the deaths of Scots abroad since its introduction, despite statements from the Scottish Government that FAls would take place if it is in the public interest to do so or an investigation would prevent further deaths.

Scotland should afford as a minimum similar protection and support as England and Wales when an individual who lives or works abroad is repatriated.

Most families, if correctly informed of the differences and lack of intervention by Scotland would choose to repatriate to England or Wales. Clearly, it's the duty of the Scottish Government to make the UK Government aware of this.

## **Annexe B: Extract from Official Report of last consideration of PE2085 on 12 November 2025**

**The Convener:** Welcome back. I highlight to those who are joining us this morning or watching online that—as I said some moments ago, before we heard evidence in relation to the previous petition—Parliament will dissolve in April next year. The final sitting will be in March, and the committee still has a huge number of open petitions before it. Our focus, therefore, is now on trying to identify the areas where we feel we can make progress in the time remaining. Any judgments that we come to about whether we feel that we can keep a petition open are a reflection not of the importance of the subject but of the committee’s ability to make progress in the limited time remaining.

To accommodate colleagues’ diaries, I intend to upset the order of the continued petitions and move to PE2085, which is on introducing a statutory definition of residency for fatal accident inquiries into the deaths of Scots abroad. I understand that the petitioner, David Cornock, is with us today in the public gallery. We last considered the petition at our meeting on 2 April, and we agreed to write to the Cabinet Secretary for Justice and Home Affairs.

We are joined by MSP colleagues Michael Marra and Tess White. Michael Marra has spoken to us in relation to the petition on a number of occasions. Good morning to you both.

I have quite a bit to say in relation to the petition. I hope that colleagues will bear with me.

The committee is aware that the system of coroners’ inquests that is used in England and Wales is significantly different from the Scottish system of death investigations. Coroners’ inquests mainly determine how, where and when someone died; they rarely make wider recommendations in relation to the circumstances of the death. In Scotland, fatal accident inquiries aim to establish what happened and to prevent future deaths from happening in similar circumstances. In addition to determining whether someone was ordinarily resident, the Lord Advocate must consider, first, that the death was sudden, suspicious, unexplained or gives rise to serious public concern; secondly, that the circumstances of the death have not been sufficiently established in the course of other investigations, such as by the country in which the death occurred; thirdly, that there is a real prospect that a fatal accident inquiry could sufficiently establish the circumstances of the death—for example, if evidence about the circumstances of the death is available; and, finally, that it is in the public interest to hold a fatal accident inquiry.

There were 43 fatal accident inquiries carried out in Scotland between April 2022 and March 2023. The cabinet secretary’s response states that it has always been anticipated that inquiries under the legislation into deaths abroad will be rare. The response states:

“an investigation into a death abroad faces formidable hurdles without the cooperation of the domestic authorities. Neither Police Scotland nor the Lord Advocate has jurisdiction to conduct investigations overseas”.

The cabinet secretary points out that those challenges are also faced in England and Wales. On that basis, the cabinet secretary has stated, there is “no intention to change the current system in Scotland.”

On the substantive matter of defining the term “ordinarily resident”, the Law Society of Scotland, the Crown Office and Procurator Fiscal Service and the Scottish Government have all previously advised that they consider the definition of “ordinarily resident” to be widely recognised and accepted in common law. The leading case on the matter put the question: “has the applicant shown that he has habitually and normally resided in the United Kingdom from choice and for a settled purpose throughout the prescribed period, apart from temporary or occasional absences?”

The Cabinet Secretary for Justice and Home Affairs reiterated in her most recent written submission:

“The term ‘ordinarily resident’ that is contained within the legislation is viewed as sufficiently flexible and workable by the Crown Office and Procurator Fiscal Service”.

She went on to say that the definition “is sufficient to allow the Lord Advocate to conduct an assessment into ordinary residence depending on the facts and circumstances of each particular case.”

The petitioner has provided two written submissions to the committee. He states that, “With an estimated 1000 deaths of Scots overseas” since the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016 was passed, he does “not believe that anyone can justify the effectiveness of the current system.”

He reiterates his view “that the current process does not work and that the ordinarily resident test is not applied correctly”.

The petitioner’s second submission highlights a recent round-table meeting attended by a number of representatives, including members of Parliament, MSPs, Police Scotland, Victim Support and the Foreign, Commonwealth and Development Office. The submission includes a contribution from the director of instrumentation and control at Chart Industries, who highlights that employees can undertake assignments for a number of years. He states:

“Given the ... length of these postings, it is essential to have a clear and practical definition of ‘ordinarily resident.’”

Similarly, a written submission from Graham Duncan notes that he is unclear as to whether his colleagues in the oil and gas industry who “work abroad for months at a time” would be considered to be ordinarily resident.

Another individual, Julie Love, has provided a written submission in support of the petition, as she had a similar petition considered back in 2009. She shares her view that there does not appear to be a safeguard for families with loved ones abroad.

Finally, Dave Doogan MP has provided a written submission, and I understand that he has been supporting the petitioner with his campaigning work. Dave Doogan MP

believes that there is an efficacy gap between the 2016 act as introduced and the impact on bereaved families who have lost loved ones abroad.

Before I invite suggestions from colleagues, I invite our parliamentary colleagues who have joined us to add anything that they wish the committee to consider.

**Michael Marra (North East Scotland) (Lab):** I thank the committee for its continued interest in the petition, particularly given the workload that the convener has outlined. You covered a lot of ground in your lengthy introduction, convener, including some of the things that I was going to say, given the lack of progress that has been made since we last met and considered the petition, back in April.

We had the round table in Parliament, and the clearest outcome of that was the emerging cross-party consensus, which is represented in the letter that we copied to the convener and the committee members, that the law is not working.

I note the response from the cabinet secretary to the committee. The word used regarding this kind of inquiry is “rare”, but such inquiries have been non-existent since the legislation was passed—there has not been a single one. It would test the credibility of the definition to say that, of the approximately 1,000 deaths of Scots abroad, none would be able to meet that test.

I also recognise the description of the difference between the systems in England and Wales and in Scotland, in terms of process and intent. However, we have to be clear that, although they are not directly comparable, we can see some instances where people have received some level of clarity about the circumstances in which their loved ones have passed away abroad, and some level of closure for their families. That has not been available to Scots who face those circumstances.

I think that there is a contradiction in what the cabinet secretary has written to the committee in her letter. On 10 October, the First Minister signalled a willingness to look again at the legislation. He told a journalist that he had met Mr Cornock, and he said: “I understand entirely the concerns that he has, and would want to see those addressed.”

That was in the aftermath of the round table and the emerging cross-party consensus. There is a weight of growing evidence and concern that the law has not worked.

Another issue that was not covered in your opening, convener—and it would not be—was the 30 October communication to Dave Doogan MP from Hamish Falconer MP, who is the Minister for Middle East and North Africa, Afghanistan and Pakistan. It stated that the FCDO in the UK “can intervene in a case should concerns be raised regarding the pace, quality and/or progress of any investigation or trial” in that jurisdiction. It also said: “If a family have serious concerns that their loved one died in suspicious circumstances, they should raise this with the local UK police, who can contact the foreign competent authority through policing channels.”

Having taken that advice from the FCDO, the Cornocks spoke to and were interviewed by Police Scotland on more than two occasions, and Police Scotland produced a major incident report stating that it was suspicious about the younger

David Cornock's death and the quality of the investigation. On both occasions, the processes were closed down by superiors within Police Scotland. I do not think that the system is working. It is not working on the basis of process and it is not working on the basis of the law.

In closing, I have three requests that the committee might consider. The first is that the committee might write to the cabinet secretary again, in the light of that cross-party letter, and ask her for a more considered response, particularly given the words of the First Minister, which I have put on the record today.

Given what I have just said about the police, the committee might also consider lending its weight to helping me and my constituent to secure a meeting with the chief constable. Considering the committee's meeting this morning, you clearly have better success with that than we do. It would be useful if you were able to write in that regard.

11:45

I also recognise that, in recent weeks, you have had cabinet secretaries at committee meetings to talk about a variety of petitions. If the Cabinet Secretary for Justice and Home Affairs will be in front of you at some point as part of your work programme, might we be able to put some questions to her on this issue? If she will not be, I am sure that she would agree that it would be a good use of her time to answer some questions on it, given the growing cross-party consensus.

I greatly appreciate the committee's forbearance, considering its workload. Deaths abroad are an incredibly serious issue that affects many families across Scotland, and the committee is doing sterling work in trying to support my constituent in that regard.

**Tess White:** I will say one brief thing to support my colleague Mr Marra: if there is a discrepancy between England and Scotland, that needs to be addressed. I fully support what Michael Marra has said.

**The Convener:** Fergus Ewing?

**Fergus Ewing:** You were going to opine, convener.

**The Convener:** Was I? I wondered whether you have any thoughts to contribute.

**Fergus Ewing:** I started off somewhat sceptical. However, having listened to what Mr Marra said and having refreshed my memory of what has been said, I believe that it is apparent from the evidence that—as the petitioner has made clear from the outset—there have been between 200 and 400 investigations in England each year into deaths abroad, whereas, in Scotland, there have been zero investigations. I looked again at the cabinet secretary's submission of 26 May, to see whether there was any explanation for that, and the only explanation was that, in essence, it is difficult to hold an inquiry when you do not have jurisdiction. However, that is the case for England and Wales as well, so it is not an explanation.

The petitioner wants there to be a statutory definition of residency, which may be one solution. The Law Society of Scotland says that that is not necessary. However, I

wonder whether the wider problem is that the authorities in Scotland are simply averse to having such investigations altogether for practical reasons—and there are practical reasons; we recognise that.

For the people for whom this matters, it matters greatly. When someone loses a loved one abroad in circumstances that are unexplained, that will linger forever. It is a serious matter, and the cabinet secretary has not really answered the points that have been raised, so we should go back to the cabinet secretary. It is a bit like being asked to do an exam paper and saying, “Well, I don’t agree with any of the questions, but will you give me a pass mark?” It is not on.

We are here again and again, in the same situation with cabinet secretaries, Mr Marra. It is unlike Ms Minto this morning, who I thought was excellent in her responses. I am not making a blanket criticism, although it is not rare for me to criticise the current Government. However, on this occasion, the lack of a basic answer is an insult to the petitioners and to the committee. I certainly do not think that the petition should be closed—I am sorry if that is not the view of other members—but I am not sure whether we should go so far as to take evidence, because we just need some clarity.

If we are going to approach the chief constable, we should also approach the Lord Advocate, because, if I am correct, she has the final say in such matters—I could be wrong about that. I had a meeting with the Lord Advocate about the inadequacies of the FAI system in Scotland, and she was very aware, attuned and involved in trying to improve the process. I would certainly want to involve the Lord Advocate as well as the chief constable if the committee were to agree to that approach.

**Davy Russell:** Bearing in mind the significant numbers that are involved—1,000 deaths is a lot of deaths, and they affect whole families, so the number is multiplied by the people who are affected—I think that we should dig a bit deeper.

**The Convener:** We face the fact that the Law Society of Scotland and the Crown Office and Procurator Fiscal Service want to do nothing further. The Cabinet Secretary for Justice and Home Affairs has made it perfectly clear that the Scottish Government does not intend to do anything further. At the same time, the committee is of the view that the issues that the petition raises are more important than the dusty response that we have received implies.

As the responses that we received came before the roundtable discussion that took place, and as there appears to be wider cross-party support and understanding of the failures on the issue, I suggest that we write to the cabinet secretary to say that we would like her to consider the matter further, given that there is considerable disquiet for the reasons that Mr Marra has articulated. As Mr Ewing has said, it seems extraordinary that there have been no inquiries in Scotland when, irrespective of the system being different, the authorities in England and Wales have been able to progress inquiries in the face of the exact same challenges that any inquiry led in Scotland would face.

I am perfectly content for the committee to write to the chief constable, saying that it is an issue with which it would be helpful for Police Scotland to engage—my mother would correct me on my grammar if I got that the wrong way round. We can ask

whether the Government would be prepared to meet Mr Marra and the petitioner with a view to progressing the matter. Are there any other suggestions from the committee?

**Fergus Ewing:** We also need to write to the Lord Advocate

**The Convener:** Yes. Notwithstanding the wall of negativity that we have received from officialdom, with a view to penetrating that wall with further efforts, are members content to keep the petition open?

**Members** *indicated agreement.*

## **Annexe C: Written submissions**

### **Lord Advocate written submission, 15 December 2025**

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

Thank you for your letter dated 19 November in relation to the above petition.

In that letter, you ask whether I would be prepared to engage with the Petitioner, David Cornock, his representative, Michael Marra MSP, and the Chief Constable with a view to progressing the issues raised in the petition.

I can advise the Committee that I met with Mr Cornock on 28 March 2024. Also present at that meeting were Mr Marra, Mairi Gougeon MSP and Dave Doogan MP. At that meeting, Mr Cornock outlined his concerns about the circumstances surrounding the death of his son and his unhappiness about the decisions that were taken in relation to any separate investigation of the death in Scotland.

It may be helpful for the Committee to know that I met with the Crown Agent and Deputy Crown Agent following that meeting, as I believed it was important for the Crown Office and Procurator Fiscal Service (COPFS) to consider what could be done to further improve communication with nearest relatives affected by deaths abroad. In response, the following took place:

- Information was added to the COPFS website for nearest relatives in relation to the investigation of deaths outwith the United Kingdom, including specific Scottish Fatalities Investigation Unit (SFIU) contact details for nearest relatives to get in touch with any questions or concerns. The information also includes links to Foreign, Commonwealth & Development Office (FCDO) advice and to UK-based organisations that can offer assistance, support and information.
- A Minute of Agreement was finalised with the Death Certification Review Service (DCRS) and Police Scotland updating the processes for reporting and investigating deaths abroad. The Minute includes detailed guidance on the facts to be considered when assessing whether a person was ordinarily resident in Scotland at the time of their death, with reference to relevant case law.
- One of the most significant changes of that updated process is that SFIU now writes to nearest relatives in relation to every reported death abroad to advise them of the decision that has been taken in relation to a separate investigation of the death in Scotland and the reasons for that decision, and also to provide contact details for SFIU so that they may raise any questions or concerns. Style letters have been created for that purpose.

- Discussions have taken place with FCDO to ensure that accurate information is provided to families about the repatriation process to Scotland following a death abroad and the roles and responsibilities of our respective organisations.

I wrote to Ms Gougeon MSP to ensure that she and Mr Cornock were kept updated on the work being undertaken by COPFS.

As you will be aware, by virtue of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 the Crown only has jurisdiction to investigate a death that has taken place abroad if the person who died was ordinarily resident in Scotland at the time of their death. Information provided to me by Mr Cornock following our meeting regarding his son was carefully considered by an experienced Advocate Depute in relation to the question of whether David Cornock was ordinarily resident in Scotland at that time. The Advocate Depute concluded that it could not be said that David was ordinarily resident here at the time of his death and as a result there was no scope for an inquiry to be held into his death in Scotland. It remained the position therefore that we had no jurisdiction to investigate the circumstances surrounding David's death.

The petition being considered by the Committee focusses on the condition of ordinary residency detailed in Section 6 of the 2016 Act. The Crown is bound to follow the terms of the existing legislation and can only investigate a death that has happened abroad where we have jurisdiction to do so. It is a matter for Parliament to decide whether that legislation should be amended in any way. My only observation is that, while there is no statutory definition of 'ordinarily resident' within the 2016 Act, the test features in other areas of the law, including education, mental health, tax and immigration.

I do not consider that the lack of a formal definition adversely affects the Crown's decision-making. In relation to most of the deaths that are reported to the Crown, whether the person was ordinarily resident in Scotland will be clear from the initial information provided. An obvious example is a person who only leaves Scotland for a two-week holiday and dies during that holiday. In contrast, where the person had been living and working abroad outwith Scotland for many years it is extremely likely that they would not be considered to have been ordinarily resident. In relation to any reported death abroad where there is uncertainty about the residency status of the person who has died, we will instruct further enquiries to obtain information that will allow a determination to be made. That will usually include contact being made with nearest relatives, either by SFIU or Police Scotland, to obtain more details.

I note that, at the meeting of 12 November 2025, the Committee discussed the lack of Fatal Accident Inquiries held in relation to deaths abroad. As you know, prior to the implementation of the 2016 Act the Crown had no legislative basis to carry out any investigations in relation to a death abroad, except in rare circumstances where criminality may have occurred.

It is correct to say that no FAIs have been held to date in relation to a death abroad, although a number of deaths are currently being investigated where it may be

decided in due course that it is in the public interest for an Inquiry to be held. Given that primacy for an investigation will sit with the country where the death occurred, it was always intended that such FAls would only be held in exceptional circumstances. Indeed, in his Review of Fatal Accident Inquiry Legislation report, Lord Cullen – when recommending that the legislation be extended to allow for FAls to be held in relation to deaths abroad - indicated that he envisaged that ‘out of respect for the investigating authorities in the foreign jurisdiction, such discretion might be exercised rarely’.

However, these provisions have allowed the Crown – where we have jurisdiction - to conduct investigations into deaths abroad which would not have been possible prior to the legislation being enacted. These have included the instruction of separate post mortem examinations in Scotland, the obtaining of statements from witnesses based in Scotland, the instruction of expert opinion and the requesting of information from abroad about the enquiries that have taken place and the findings. These investigations have provided answers and reassurance to bereaved relatives in a number of cases. Where possible, we have also tried to assist families in obtaining answers to questions they have, such as the process for securing the return of an organ that was retained following a post mortem examination abroad.

Where we do have jurisdiction, in many cases the death has been or is being fully investigated by the authorities in the country where the death occurred, and the primary focus of the nearest relative is the release of the body of their loved one so that the funeral in Scotland may take place. In such cases, the processes we have in place allow decisions to be taken quickly to prevent further distress being caused to families.

I hope this information is of some assistance to the Committee.

Yours sincerely,

**THE RIGHT HONOURABLE DOROTHY BAIN KC**

**LORD ADVOCATE**

**Deputy Chief Constable written submission, 5 January 2026**

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

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**

**Cabinet Secretary for Justice and Home Affairs written submission,  
14 January 2026**

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

Thank you for your letter of 19 November regarding petition PE2085, which calls for the introduction of a statutory definition of residency for Fatal Accident Inquiries (FAIs) into the deaths of Scots abroad. I appreciate the Committee's continued engagement on this sensitive matter and acknowledge the distress experienced by families who lose loved ones overseas.

As set out in our previous correspondence of 27 March 2024 (PE2085/A), 15 July 2024 (PE2085/D), 19 July 2024 (PE2085/E) and 6 May 2025 (PE2085/K), the Scottish Government has consistently taken the view that legislating a rigid definition of “ordinarily resident” would not resolve the underlying challenges or improve outcomes for families. We have instead focused on working with the Crown Office and Procurator Fiscal Service (COPFS) and partners to strengthen processes, improve transparency, and ensure families are supported at every stage.

The Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 provides that an FAI may be held where the deceased was “ordinarily resident” in Scotland at the time of death, if other criteria are also satisfied. While this term is not defined in statute, it is well-established in common law. The leading authority on the meaning of “ordinarily resident” in UK law is the House of Lords decision in *R v London Borough of Barnet, ex parte Shah* [1983] 2 AC 309. In that case, Lord Scarman explained that ordinary residence refers to a person’s abode in a particular place, adopted voluntarily and for settled purposes, whether of short or long duration. It is a question of fact, assessed objectively, and does not depend on a person’s intentions alone. This definition has been consistently applied across a range of statutory contexts where the term is not otherwise defined.

There are a number of other statutory criteria which the Lord Advocate must consider before an FAI into the death of a Scot abroad may be held. These include whether the death was sudden, suspicious, unexplained, or occurred in circumstances giving rise to serious public concern. The Lord Advocate must also consider whether the circumstances of the death have not been sufficiently established in the course of an investigation in relation to the death, whether an FAI could realistically establish the facts and whether it is in the public interest to hold an FAI.

Investigations into deaths abroad present formidable challenges without the cooperation of local authorities. Any investigation into the circumstances of a death abroad rests with the authorities in the country where the death occurred and neither the Lord Advocate nor Police Scotland have jurisdiction to conduct inquiries overseas, and without the consent of the host nation.

Given that responsibility for an investigation will sit with the country where the death occurred, it was always intended that such FAIs would only be held in exceptional circumstances. In his Review of Fatal Accident Inquiry Legislation report, Lord Cullen, when recommending that the legislation be extended to allow for FAIs to be held in relation to deaths abroad, indicated that he envisaged that ‘out of respect for the investigating authorities in the foreign jurisdiction, such discretion might be exercised rarely’.

While no FAIs have yet been held, the Act has enabled investigations that would not previously have been possible. COPFS has been able to commission post-mortem examinations in Scotland, take statements from witnesses based here, seek expert opinion, and request information from overseas authorities. In several cases, these steps have helped provide families with answers and reassurance.

I am aware of comparisons with the coroner system in England and Wales but it is important to note that the inquest system of England and Wales operates under a very different framework. While their processes differ, both jurisdictions face similar practical obstacles in investigating deaths abroad.

The Scottish Government has engaged with COPFS to improve communication with bereaved families and clarify procedures. This includes updating guidance, enhancing the Scottish Fatalities Investigation Unit's visibility, and ongoing liaison with the Foreign, Commonwealth and Development Office (FCDO) to ensure families receive timely and accurate information.

The Scottish Government coordinated the creation of a Memorandum of Understanding in September 2024 between the FCDO, Police Scotland, COPFS, the Death Certification Review Service (DCRI) and Victim Support Scotland to provide coordinated support for British nationals ordinarily resident in Scotland who suffer bereavement abroad from murder or culpable homicide. While the Memorandum does not attempt to provide a rigid definition of eligibility under the auspices of 'ordinarily resident' it provides a range of factors that may be considered including where the victim's main possessions and residency are, where their family lives, if they are married or in a civil partnership and where they reside or if they live with children and where they go to school.

The Memorandum includes the working arrangements between the FCDO, Police Scotland, COPFS, and the DCRS. It includes Victim Support Scotland's specialist "Support for Families Bereaved by Crime" service which receives funding from the Scottish Government. The role of the Support for Families Bereaved by Crime Service is to provide a dedicated case worker to the members of the family requesting support. Case workers can assist with accessing specialist bereavement counselling and emotional support as well as with funeral arrangements, travel and repatriation. Help with accessing suitable legal advice or representation and financial assistance can be provided on a needs basis.

Under the terms of the memorandum, it is next due to be reviewed before the end of 2026 to ensure the processes and responsibilities are up to date.

In addition, I would highlight the Independent Review of Fatal Accident Inquiries relating to deaths in custody in Scotland. The review has concluded, and the report will be published shortly. This review has considered how FAIs can be made more efficient, transparent and trauma-informed. Although the review focuses on deaths in custody, it includes recommendations which will be beneficial to the broader FAI process, including cases involving deaths abroad. We will consider these recommendations carefully and explore how they can be applied to deliver a more effective and compassionate system.

Having considered the petition and the views expressed by stakeholders, the Scottish Government does not believe that legislating for a definition of "ordinarily resident" would resolve the underlying challenges or improve outcomes for families. However as with all legislation, we will keep the law under review. At this stage in the current parliamentary session, any future legislative change would be a matter for the incoming Scottish Government.

We will continue to work with COPFS and partners to strengthen processes, improve transparency, and ensure families are supported at every stage. This work will form part of our wider consideration of how the FAI process can be made more effective and compassionate.

Thank you for the opportunity to respond. I hope this provides reassurance of our commitment to addressing the concerns raised and to improving the FAI system overall.

Yours sincerely,

**ANGELA CONSTANCE**

### **Petitioner written submission, 30 January 2026**

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

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.

#### **PE2085R**

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.

### **Jackie Baillie MSP written submission, 3 February 2026**

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

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 FAls 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 FAls 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 FAls 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.

## **Michael Marra MSP written submission, 3 February 2026**

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

Thank you for the work the Citizen Participation and Public Petitions Committee has undertaken into the above petition, introduced by my constituent Mr Davy Cornock. You will know that Mr Cornock's son David died by suspected murder in Thailand in 2019 and that his family have been unable to find justice to David's death. This has had terrible consequences for the family David left behind.

Mr Cornock's experience is not unique and I know Members have constituents across Scotland who have similarly been denied justice.

I would ask the Committee to refer back to the oral contributions I have made to the Committee on 15th May 2024, 2nd April 2025 and 12th November 2025, and considers keeping open this petition.

Mr Cornock's tireless campaigning on this issue means it has stayed in the public interest. His tragic and heart-breaking experience has shown that the current legislation, Fatal Accidents & Sudden Deaths etc (Scotland) Act 2016, is failing Scottish families. He has shown that Scottish residents have less protection in the law than those in England and Wales.

I give my continued support to Mr Cornock's petition.

## **Billy Milligan written submission, 10 February 2026**

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

I support PE2085 and urge the Scottish Government to legislate explicitly, in statute, for what it means to be "ordinarily resident" for the purposes of sections 6–7 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016. The absence of a statutory definition has produced uncertainty, inconsistency, and, for too many families, injustice. This uncertainty is not an academic quibble; it directly affects workers and families in Scotland's globally engaged economy.

I work in a large company with an international footprint. It is normal for us to send staff abroad on multi month and multi year assignments. If people who are posted abroad on legitimate, time bound secondments can later be judged not "ordinarily resident" (OR) in Scotland, families are left without recourse to a Scottish investigation or FAI when tragedy strikes overseas. The Lord Advocate's office has acknowledged that, "in relation to most deaths," OR will be clear, but also gave examples where those living and working abroad "for many years" are extremely likely not to be OR; the difficulty is that, in practice, even periods of only months abroad have been used to deny OR, and thus jurisdiction, in multiple cases.

The pattern described by the petitioner and parliamentarians, that dozens of Scots who died overseas were determined not OR despite being abroad only a matter of month, aligns with my professional experience of how commonplace such durations are for secondments. That threshold is far shorter than many of our projects. It is unreasonable that ordinary workforce mobility can inadvertently sever a Scottish worker's access to an FAI.

The Cabinet Secretary argues that "ordinarily resident" is well established in common law (citing Shah) and that a statutory definition would not improve outcomes. The Shah test centres on a person's voluntary, settled mode of life "for the time being," of short or long duration, assessed by objective facts. But relying solely on case law, developed in very different statutory contexts, has evidently not delivered clarity or consistency for Scots bereaved by deaths abroad.

The Lord Advocate's submission confirms there have been no FAIs to date for deaths abroad, albeit "some deaths are currently being investigated," and reiterates

that changes to legislation are for Parliament. If the current framework were functioning as intended, we would not see a zero FAI outcome more than seven years after the 2016 Act. The experience described by families and their representatives demonstrates that process updates (style letters, MoUs, web pages) have not fixed the fundamental OR problem.

Both the Lord Advocate and the Cabinet Secretary point to Lord Cullen's view that, out of respect for foreign authorities, FAIs into deaths abroad "might be exercised rarely." Respectfully, this single line has acquired a talismanic quality in official responses. "Might" is doing some incredibly heavy lifting here and has become a shield for inaction. "Rarely" should mean exceptional on the facts, not never as a matter of practice. The Government's own explanatory material records that the intention was to enable FAIs into deaths abroad, not to create a de facto bar. The safest way to realign practice with Parliament's 2016 intent is to put the residency test on a statutory footing

It is striking that the Justice Secretary's and Lord Advocate's submissions both deploy the same Cullen line to justify the current outcome (zero FAIs). At best, this signals an overly narrow, coordinated reading of the Review; at worst, it implies an institutional alignment to keep the bar high without the anchor of clear statute. Either way, it underscores why Parliament, not prosecutorial policy, must settle this with legislation.

Ministers caution that Scotland's system differs from coroners' inquests in England and Wales. But the point is not sameness, it is effectiveness. Inquests into deaths abroad in England and Wales routinely proceed despite the same inherent difficulties of foreign cooperation. That jurisdiction has found workable pathways; Scotland's practical outcome has been none. That divergence suggests our test (and its application) is too uncertain and too strict.

There have been process improvements (new guidance, style letters and Minute of Agreement), but they do not give families a predictable, reviewable standard in law. They also do not cure documented issues in communication and timeliness raised. Even the Procurator Fiscal's recent letter, while courteous, ultimately says COPFS is bound by current legislation and will obtain "further information ... where we can." Families need more than "where we can"; they need when we must. Only Parliament can provide that.

The Deputy Chief Constable offers a high level summary of roles and says the current definition is "sufficient." That submission reads like a 30,000 foot process overview and brings little to the central question the petition raises: what is the legal threshold for OR and how is it consistently applied?

It's plain that parliament should now legislate a clear, statutory definition of "ordinarily resident" for FAIs into deaths abroad. Draw on established UK case law (e.g., Shah) but translate the principles into predictable statutory factors e.g., voting registration; tax/N.I. contributions; UK mortgage/home or tenancy; UK bank accounts; UK employer/contract; family base and schooling; frequency of return; documented

secondment terms, each weighted and evidenced. This mirrors how statute has clarified residency tests in other domains (education, tax, nationality guidance).

It would also be of interest to Scotland's global workforce to create a rebuttable presumption that a person on a time limited overseas secondment from a Scottish employer remains ordinarily resident in Scotland unless contrary factors (e.g., permanent relocation with intent, deregistration from UK ties) clearly outweigh it. This directly protects them.

Ministers and the Lord Advocate have said, in effect, "if Parliament legislates, COPFS will implement." Then Parliament should legislate. Scotland's bereaved families deserve a system that is predictable, transparent and just, not one that depends on a malleable common law term applied behind closed doors, sometimes years after the fact.

Finally, and I choose my words carefully, were malign actors in some of the world's more lawless places to conclude that Scotland is reluctant to hold inquiries into Scots who die overseas in sudden or suspicious circumstances, it risks sending the worst possible signal. Clear law will never eliminate every danger, but it will close a perceived gap. Legislating a robust, statutory OR test would protect Scottish workers and families, uphold public confidence, and honour the intention behind extending FAls to deaths abroad in the first place.

## **Dave Scott written submission, 10 February 2026**

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

I write in my position as an offshore energy industry representative and committee chair working within the offshore energy UK sector I&C specialist interest group. In relation to PE2085/Q which I had the opportunity to speak on behalf of industry during the petitions committee meeting on the 8th of October 2025.

As an industry representative, I spoke in support of the work Mr Cornock has pursued over the previous six years, following the tragic death Mr Cornock's family suffered and has endured since their son David, was suspected to have been murdered whilst executing a contract on behalf of a Scottish energy sector based company in 2019.

What is clear is that significant effort and resources have been expended on this topic by the Campaign Groups, Scottish Parliament and Scottish Government since 2007. It is equally clear that this system is not working to the extent it is not even being initiated correctly. It is extremely disappointing that despite prior efforts during a campaign since 2007 by Ms Julie Love, that this area of legislation still regularly fails the Scottish people. The Scottish Parliament have full autonomy in this area of legislation and should be highly motivated to address such an intolerable failure in the implementation of legislation. Particularly given the high numbers of families impacted since the initial campaign highlighted this issue in 2007.

Further to the parliamentary question raised on 3 December 2025 during justice and home affairs proceedings by Bob Doris MSP, regarding inadequacies in legislation governing deaths of Scottish citizens abroad (Case ID BD21013). In my capacity as an industry representative who has supported the campaign group, I wish to provide my considered observations and recommendations. It is my hope that this matter will be raised in parliament again with the Justice Secretary, Angel Constance MSP.

Based on the Justice Secretary's comments in Parliament, it is evident that the position adopted lacks a defensible legal foundation and would not withstand scrutiny under statutory and procedural standards applicable within the United Kingdom. The defence of Justice Department inaction—characterised by the Justice Secretary's avoidance of material facts, assurances that the matter had been “shaken up and down,” and repeated assertions inconsistent with fact—highlights a fundamental misinterpretation of legislation and its implementation. This failure continues to obstruct the issuance of coroner's reports, personal and company insurance settlements, and, where appropriate, Fatal Accident Inquiries (FAIs). These mechanisms are essential to ensure the proper administration of justice and to provide bereaved families with a conclusive outcome, whether satisfactory or otherwise. At present, families of Scots who die abroad are left with unresolved and wholly unsatisfactory outcomes due to legislative inaction.

Whilst it is greatly appreciated that Bob Doris MSP raised this matter to the Justice Secretary in Parliament and this was supported by Liam Kerr MSP and Michael Marra MSP, it is surprising that no counterargument was advanced regarding the demonstrable success of equivalent inquiries conducted by neighbouring jurisdictions within the UK. Highlighting this disparity could have countered the Justice Secretary's assertion that establishing all facts in every case is impracticable and that FAIs are rarely required—claims contradicted by the consistent delivery of multiple inquests into deaths abroad and the conclusion of justice in England and Wales for equivalent cases.

Justice must prevail irrespective of complexity. It is the Justice Secretary's statutory duty to ensure that justice is delivered. At present, there appears to be a lack of willingness to address evident legislative deficiencies, raising serious questions about priorities, leadership capability, and commitment to serving the best interests of the people of Scotland. Scots continue to be failed when they die abroad, whether travelling for work, leisure, or any other purpose. The Justice Secretary's unwillingness to act demonstrates a profound disregard for thousands of deceased Scottish citizens and, most importantly, for the bereaved families seeking closure, financial security in the wake of losing a family member and most importantly justice.

To further the argument for positive change of Scotland's legal systems, I recommend that the disparity between outcomes for Scots who die abroad and those for other UK citizens be emphasised as part of a follow-up petition hearing and parliamentary question posed to the Justice Secretary. This approach would effectively rebut any incorrect assertions that the legislation is operating as intended. Since, statistical evidence demonstrates the frequency of positive outcomes in

equivalent cases within other UK jurisdictions, providing compelling proof that Scottish legislation is either inadequate or improperly implemented.

Mr Cornock and his campaign supporters have assisted in progressing the petition to the Parliament's Petitions Committee in the expectation that this would have yielded the cross party engagement and ambition of MSP's to resolve the current short fall in legislation. From my position as an independent industry representative, I second the extreme dissatisfaction that Mr Cornock, his family and other bereaved families have encountered and still have to endure through their dealings with the petitions committee, MSPs and in particular the Justice Secretary.

Mr Cornock maintains my support in his ambitions in this matter, and I hope the committee will re-engage parliament to bring an end to the repeated failure to successfully implement legislation which would certainly benefit all Scottish citizens.

## **Victim Support Scotland written submission, 11 February 2026**

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

Victim Support Scotland (VSS) is responding to Petition 2085 – Introduce a statutory definition of residency for Fatal Accident Inquiries into the deaths of Scots abroad

Firstly, we provide some context to the support we are funded to provide.

VSS receives funding to support murder or culpable homicide abroad. The support we offer bereaved families, whether in Scotland or abroad, relies entirely on strict referral processes and requires criminality to be confirmed by the relevant authority.

In Scotland, VSS's Support for Families Bereaved by Crime (SFBC) service receives referrals from Police Scotland after they confirm criminality. Outside Scotland, VSS has a Memorandum of Understanding with the Foreign, Commonwealth and Development Office which refers family members to VSS for support following a death abroad when homicide has been confirmed by the authorities in the local country. VSS can only be involved after these organisations follow their own processes. We also only receive referrals once the family has requested support and/or consented to their details being passed to VSS.

This means that deaths occurring (either in Scotland or abroad) where no criminality has been found, and which are unexplained, suspicious, by suicide, or by road traffic accident, do not form part of our remit or funding agreement. Regarding the death of Davy Cornock's son, the family was not referred to SFBC as on application of the criteria, he would not have been considered eligible.

Mr Cornock contacted VSS in October 2025 asking us to participate in the Parliamentary Round Table, and we have since met with him to discuss potential involvement.

Having read the lengthy replies from the Cabinet Secretary for Justice and Home Affairs, the Lord Advocate, and Police Scotland, their replies indicate that they are

not supportive of defining ordinarily resident - indeed they feel this is already adequately understood and applied.

We note Lord Cullen's review in 2016 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 and the All Party Parliamentary Group in 2019 have resulted in no Fatal Accident Inquiries for deaths abroad of this nature. Notwithstanding that VSS quite rightly does not have access to these cases, the fact that none have taken place does raise questions about whether a definition of ordinarily resident, or other required criteria, has prevented this.

Given the nature of VSS's experience and jurisdiction in relation to murders abroad, combined with Mr Cornock's experience, it would appear that there is a gap in support provision to bereaved families.

VSS's experience in supporting families bereaved by crime indicates that cases rarely follow a straightforward path. What is clear is that this becomes even more traumatising and difficult to navigate when the death takes place in another country.

If further defining ordinarily resident does not benefit families in these same circumstances, we must collectively acknowledge a gap in support. This gap places the onus on families to investigate, challenge, query, and understand complex international legislation, all at their own financial and time cost, whilst grappling to process the grief and trauma of losing a family member.

We welcome the opportunity to explore this gap in support for families experiencing deaths abroad. Our remit focuses entirely on cases of murder or culpable homicide and strongly believe exploring this more fully, alongside identifying agencies who can help when homicide is not confirmed, will assist all families impacted by a death abroad.

It is incumbent on agencies within the criminal justice sector, Victim Support Scotland included, to seek to address this. Mr Cornock has brought this opportunity emotionally, vociferously, and coherently to our attention, and we owe it to him and other families to come together to resolve this and future obstacles to justice.