



**PUBLIC PETITION NO.**

**PE01280**

### **Name of petitioner**

Dr Kenneth Faulds and Julie Love

### **Petition title**

Requirement for fatal accident inquiry

### **Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to give the same level of protection to the families of people from Scotland who die abroad as is currently in place for people from England by amending the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 to require the holding of a fatal accident inquiry when a person from Scotland dies abroad.

### **Action taken to resolve issues of concern before submitting the petition**

I first raised my concerns with my local elected representatives for Glasgow City Council and went on to raise them with both my MP and MSP. I have also put in writing to Crown Office and the Scottish Youth Parliament

### **Petition background information**

Section 1 of the Fatal Accidents and Sudden Deaths (Scotland) Act 1976 excludes the operation of the Act from deaths furth of Scotland. This contrasts with the situation in England, where section 8 of the Coroners Act 1988 provides that the coroner must hold an inquiry where the final resting place of a repatriated body is England.

This lacuna in the law has meant that the sudden or unexpected death abroad of an English civilian will automatically trigger a coroner's inquiry upon the return of the corpse. This is in addition to any inquiry that may have taken place in the country in which the person died. Where there has been a robust inquiry already, it is arguable that the English system leads to wasteful reduplication. However, where there has been no such inquiry, the coroner plays a vital role.

In contrast, due to the operation of the 1976 Act, the sudden death of a person from Scotland in very many developing countries will never be the subject of a judicial inquiry. This situation is potentially dangerous for Scottish people abroad. The Scottish Government has a duty of care to ensure that the deaths of people from Scotland do not go uninvestigated and that families receive justice. At present, Crown Office and Procurator Fiscal Service does not know how many people from Scotland have died abroad in recent years. This is disquieting. Accordingly, my submission is that the 1976 Act ought to be amended to oblige the procurator fiscal of an individual's district of

domicile to investigate the circumstances of a sudden or unexpected death abroad and to apply to the sheriff to hold a fatal accident inquiry unless he/she is satisfied that the matter has already been fully investigated by competent judicial authorities.

This issue came to my attention when a close friend of mine - Colin Love, 23, from Glasgow – drowned while he was on a cruise when it docked in Margarita Island in the province of Venezuela. His mother, Julie, and the rest of her family were dismayed to discover that there would be no judicial inquiry into the circumstances surrounding Colin's death. Colin's family feel that he deserves at least this much. Like many young people with a life ahead of him in Scotland, Colin was embracing a chance that had been offered to him to travel abroad. He was using his trip to reflect on where he wanted to go in life. This tragedy has taken Colin's life and blighted those of his family. The Scottish legal system should have afforded them the right to a judicial inquiry and the prospect of closure that that would bring.

I researched the issue further and discovered that the UK Government, with the permission of the Scottish Parliament, has put into place legislation that would require the COPFS to hold a fatal accident inquiry into the deaths of service personnel abroad. This is an important step forward but it does not help people in the same situation as Colin's family.

I feel that it is vital for the law to be changed to protect Scots abroad. I therefore think it is important that the committee recommend the change to the law called for in this petition.

[www.youtube.com/watch?v=lkjD4SIQbJQ](http://www.youtube.com/watch?v=lkjD4SIQbJQ)

[www.youtube.com/watch?v=NPeOgzmZvVM&feature=related](http://www.youtube.com/watch?v=NPeOgzmZvVM&feature=related)

[www.youtube.com/watch?v=CQQtHBoPjqk&feature=related](http://www.youtube.com/watch?v=CQQtHBoPjqk&feature=related)

[www.eveningtimes.co.uk/news/display.var.2525115.0.php](http://www.eveningtimes.co.uk/news/display.var.2525115.0.php)

[www.eveningtimes.co.uk/news/display.var.2527937.0.0.php](http://www.eveningtimes.co.uk/news/display.var.2527937.0.0.php)

#### Unique web address

<http://www.scottish.parliament.uk/GettingInvolved/Petitions/PE01280>

#### Related information for petition

**Do you wish your petition to be hosted on the Parliament's website to collect signatures online?**

NO

**How many signatures have you collected so far?**

2755

**Closing date for collecting signatures online**

N/A

**Comments to stimulate online discussion**

