

FACTSHEET: ROLE OF THE PROCURATOR FISCAL IN THE INVESTIGATION OF DEATHS

The Crown Office and Procurator Fiscal Service is the prosecution service in Scotland and enquires into all sudden, suspicious or unexplained deaths. There is no coroner in Scotland. The Lord Advocate is head of the prosecution system in Scotland. Procurators Fiscal - local prosecutors - investigate around 14,000 such deaths each year. Fatal Accident Inquiries are public inquiries presided over by a Sheriff, a local judge. (FAIs) are legally required in some categories of death. The Lord Advocate also has discretion to direct the holding of a FAI into the circumstances of other deaths.

Sudden, suspicious and unexplained deaths

The Procurator Fiscal investigates certain categories of deaths. The aim of any investigation is to find out whether any criminal act has caused or contributed to the death, or to discover whether the death has arisen from hazardous circumstances where action may prevent future deaths or injuries.

Usually, sudden deaths usually come to the attention of the Procurator Fiscal through a report from the police, a doctor or the local Registrar of Births, Deaths and Marriages. Where there is a major incident, the Procurator Fiscal is advised immediately and attends the scene.

During the investigation, the Procurator Fiscal works with the police and other relevant bodies to ensure that all relevant information is collated. Usually, the police and/ or other relevant reporting agencies submit a report to the Procurator Fiscal for consideration. The Procurator Fiscal can direct the police and other reporting agencies to carry out further enquiries, or explore specific lines of enquiry, if necessary and can engage experts to assist the investigation. Other specialist agencies will often work closely with the Procurator Fiscal and the police, depending on the circumstances of the case.

Once the Procurator Fiscal has all relevant information, he or she will consider what, if any action is appropriate. Where there is evidence of criminality, it is possible that Crown Counsel, on behalf of the Lord Advocate, may instruct criminal proceedings. If not, and if it is necessary or appropriate, it is possible that a Fatal Accident Inquiry will be held.

Fatal Accident Inquiries

A Fatal Accident Inquiry (FAI) is a statutory public inquiry into the circumstances of a death held in the Sheriff Court at the instance of the Procurator Fiscal. A FAI must normally be held where the death was caused by an accident in the course of employment or where the death occurred in legal custody.

In addition, if it is considered expedient in the public interest, Crown Counsel on behalf of the Lord Advocate may order a Fatal Accident Inquiry in relation to any death that is sudden, suspicious or unexplained or which has occurred in circumstances giving rise to serious public concern.

There are a number of other statutes under which public inquiries may be held, depending on the particular facts and circumstances of the case and where such an inquiry is held it may not also be necessary for there to be a fatal accident inquiry. In such a case, the Procurator Fiscal would be expected to work closely with those responsible for holding the inquiry and would make available to the inquiry the evidence which had been gathered during the investigation.

Communications

0131 247 2669