

Notice of an inquiry under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016

SHERIFFDOM OF GLASGOW AND STRATHKELVIN AT GLASGOW

Court ref: GLW-B1473-18

MOIRA ORR, PROCURATOR FISCAL FOR THE DISTRICT OF GLASGOW AND STRATHKELVIN GIVES NOTICE UNDER SECTION 17(3) OF THE INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC. (SCOTLAND) ACT 2016 THAT:

1. An inquiry into the deaths of :

GARY LOUIS ARTHUR

ANTHONY LYNDON COLLINS

JOSEPH ROBERT CUSKER

COLIN GIBSON

ROBERT JAMES JENKINS

JOHN MCGARRIGLE

SAMUEL BELL MCGHEE

KIRSTY MARY NELIS

MARK EDWARD O'PREY and

DAVID IAIN TRAILL

is to be held.

2. The inquiry is

- a. a mandatory inquiry under section 2(1) and 2(3) of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (“the 2016 Act”) in respect of the deaths of ANTHONY LYNDON COLLINS , KIRSTY MARY NELIS and DAVID IAIN TRAILL. Their deaths occurred in Scotland as a result of an accident while they were acting in the course of their employment; and
- b. a discretionary inquiry under section 4 of the 2016 Act into the deaths of GARY LOUIS ARTHUR, JOSEPH ROBERT CUSKER, COLIN GIBSON, ROBERT JAMES JENKINS, JOHN MCGARRIGLE , SAMUEL BELL MCGHEE and MARK EDWARD O’PREY. The Lord Advocate has decided that the circumstances in which the deaths occurred give rise to serious public concern in terms of section 4(1)(a)(ii) and that it is in the public interest for such an inquiry to be held in terms of section 4(1)(b).

3. A preliminary hearing has been fixed for 3 October 2018 within Hampden Park, Letherby Drive, Glasgow G42 9BA.

Notice

4. You may wish to seek legal advice and may be eligible for legal aid to enable you to participate in this inquiry.

If you wish to participate in this inquiry you must apply to the sheriff to do so under rule 3.5 of the Act of Sederunt (Fatal Accident Inquiry Rules) 2017.

Your attention is drawn to paragraphs 10 and 11 of the first order made by the court, a copy of which is also published on the Scottish Courts and Tribunals Website.

Paragraph 10 of the first order appoints any person who is not given notice under section 17(1) of the Act, but who wishes to appear at the preliminary hearing assigned for 3 October 2018, to make application in accordance with rule 3.5 of the Act of Sederunt (Fatal Accident Inquiry Rules) 2017 by no later than 12 noon on 14 September 2018.

Paragraph 11 of the first order assigns 20 September at 10 am within Glasgow Sheriff Court as a hearing in respect of any application lodged pursuant to Paragraph 10.

Glasgow

9 August 2018

Sheriff Principal C D Turnbull

The sheriff principal, having considered the notice lodged by the procurator fiscal under section 15(1) of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (“the Act”), and having discussed the proposed terms of this order with the procurator fiscal in accordance with rule 3.2.(2) of the Act of Sederunt (Fatal Accident Inquiry Rules 2017) (“the Rules”), makes the following orders:

1. assigns **3 October 2018** at 10 am within Hampden Park, Letherby Drive, Glasgow G42 9BA as the date and place for the holding of a preliminary hearing in accordance with section 16 of the Act;
2. assigns **8 April 2019** at 10 am within Hampden Park, Letherby Drive, Glasgow G42 9BA as the date for the start of the inquiry and the place at which it is to be held
3. grants warrant for the procurator fiscal and the participants in the inquiry to cite persons to attend and give evidence at the inquiry;
4. appoints the procurator fiscal to intimate a copy of this order to all parties to whom she is required to give notice in terms of section 17 of the Act;
5. appoints the procurator fiscal to give notice of the matters set out in section 17(1) of the Act, and of the terms of this order, to the British Airline Pilots’ Association, BALPA House, 5 Heathrow Boulevard, 278 Bath Road, West Drayton UB7 0DQ, as a trade union, or similar body, representing the interests of workers in connection with the employment or occupation of the deceased, David Iain Traill;

6. appoints the Scottish Courts & Tribunals Service to publish a copy of this order on its website, in conjunction with the public notice it is required to publish thereon in terms of rule 3.4.(3) of the Rules;

7. appoints the Scottish Courts & Tribunals Service to tweet a link to the public notice and copy of this order published on their website, such tweet to contain the hashtag “#CluthaFAI”;

8. dispenses with requirement to lodge a note in accordance with rule 3.7 of the Rules in advance of preliminary hearing assigned for 3 October 2018;

9. appoints any person receiving notice from the procurator fiscal in terms of section 17(1) of the Act and who intends to appear at the preliminary hearing assigned for 3 October 2018 to lodge with the sheriff clerk at Glasgow, by e-mail to CluthaFAI@scotcourts.gov.uk, no later than 12 noon on **19 September 2018**:

(a) a notice of intention to participate in Form 3.3B; and

(b) a note setting out:

(i) the name and address of the firm of solicitors who represent them;

(ii) the name; e-mail address; and telephone number of their principal solicitor; and

(iii) the name(s) of counsel and / or the solicitor(s) who it is proposed will appear for them at the preliminary hearing

10. appoints any person who is not given notice under section 17(1) of the Act but who wishes to appear at the preliminary hearing assigned for 3 October 2018 to make application in accordance with rule 3.5 of the Rules by no later than 12 noon on **14 September 2018**;

11. assigns **20 September 2018** at 10 am within Glasgow Sheriff Court, 1 Carlton Place Glasgow G5 9DA as a hearing in respect of any application lodged pursuant to paragraph 10 hereof;

12. assigns **4 and 5 December 2018** at 10 am within Hampden Park, Letherby Drive, Glasgow G42 9BA as the dates and place for the holding of a further preliminary hearing;
and

13. assigns **5 and 6 February 2019** at 10 am within Hampden Park, Letherby Drive, Glasgow G42 9BA as the dates and place for the holding of a further preliminary hearing.

Sheriff Principal

