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Dear Mr Lumsden

**SCOTTISH PARLIAMENTARY QUESTION S6W-36060**  
**Delays to Publication of Fatal Accident Inquiry Determinations**

The Cabinet Secretary in her response to the above PQ indicated that it related to operational matters within the responsibility of the Scottish Courts and Tribunals Service corporate body. I am now writing in response to the matter raised.

**S6W-36060** *Douglas Lumsden asks: the Scottish Government how many fatal accident inquiries have involved delays to the publication of the final inquiry report in each of the last five years, and what the reasons were for any such delays.*

Section 26 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 provides that a sheriff must make a determination as soon as possible after the conclusion of the evidence and submissions in an inquiry. The time reasonably required to formulate a judicial decision is dependent on the nature, number and complexity of the issues with which the sheriff has to deal; and on the workload imposed upon the sheriff in relation to other cases. Accordingly, no absolute time limit can be specified for the issuing of determinations.

Once a determination is made, Section 27(1) of the 2016 Act places a duty on the SCTS to publish it in a manner it considers appropriate. To fulfil this obligation, the SCTS publishes determinations on its website: [www.scotcourts.gov.uk](http://www.scotcourts.gov.uk)

It is entirely normal for there to be a period between the making of a determination and its publication. This interval allows for essential steps to be completed, and carrying out data protection checks. These checks may also involve further judicial consideration where a sheriff determines that part of a determination should not be disseminated or published.

In some instances — particularly where there have been no participants in the FAI — it may also be necessary for the Crown Office and Procurator Fiscal Service (COPFS) to attempt to contact the next of kin to inform them that publication is forthcoming.

There is no statutory timeframe within which these essential steps must occur following the making of a determination. While every effort is made for timeous publication, timeframes will naturally vary owing to case specific circumstances. Accordingly, no specific data is held on the number of FAls in each of the past five years where publication has been deemed to be delayed.

A copy of this letter will be placed in the Scottish Parliament Information Centre and published on the Scottish Courts and Tribunals Service website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Malcolm Graham', with a long horizontal flourish underneath.

Malcolm Graham  
Chief Executive