

Book review: Sudden Deaths and Fatal Accident Inquiries in Scotland: Law, Policy and Practice

By Gillian Mawdsley, 352pp, paperback, £95, 978-1526-51903-0, 2023, Bloomsbury Professional

Published: 18 June 2024 **Author:** Dr Gemma Kemp **Read time:** 3 Mins

As a forensic pathologist in Scotland of almost a decade, I have only actually given evidence in person to 1 fatal accident inquiry (FAI). Suffice to say, it would be difficult for any Scottish forensic pathologist to state that they have a wealth of experience of FAIs, as we are called to these legal investigations so infrequently. In contrast, during my training undertaken in England, I gave evidence in many inquests. It was with interest that I started reading this book, which helped me to understand more about the differences (and similarities) between inquests and FAIs, and to find out about how the FAI system developed under Scottish law.

The book begins with a comprehensive discussion of the referral process for deaths in Scotland and goes on to explore the history of the FAI system, which is a product of administrative law that mainly evolved from the 1895 passing of the first FAI Act. The 1976 Act removed juries; following extensive reform suggestions in the 2000s, the current 2016 Act subsequently came into effect.

FAIs can be mandatory (for accidents and deaths in legal custody) or discretionary – the latter being instructed by the Lord Advocate, due to being in the public interest. At the closure of an FAI, the presiding sheriff produces a determination that must include the details of the death (date, location and cause) and can include recommendations, although these are not necessarily legally enforceable.

The majority of FAIs conducted in recent years involved deaths in prison, as all these deaths must be investigated in this manner regardless of the nature of the death (i.e. whether natural or by suicide or drugs etc.). Between 2012 and 2021, there were between 33 and 74 FAIs held per year in Scotland; the last 50 determinations are available in chronological order via the Scottish Court's website.

Through exploring the history and current state of affairs regarding FAIs, the author concludes that there is room for improvement. Delays are a key problem and are often brought up in the press. "Overall, the FAI system seems to lack available, accessible and reliable sources of public information, relevant training for those involved and the public provision of data/statistics", the latter leading to a perception of lack of transparency in the process.

This book was thoroughly well referenced and covered all areas of the FAI system and beyond. There was a chapter providing an overview of death referrals in England and Wales together with the inquest system, which serves as a useful comparator to the Scottish system. I found that the appendix contained a number of interesting cases that served to bring the main text to life.

Meet the author

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