

Inquests and inquiries

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Purpose

The purpose of an inquest under the [Coroners and Justice Act 2009](#) is to hear the evidence relating to an investigation into the death of a person, and for the jury (or coroner, if there is no jury) to determine:

- who the deceased was
- when, where and by what means they came by their death
- the details required to register the death

The coroner and the jury are able to express only an opinion on the matters included within the purpose of the investigation and inquest.

A similar process, known as a fatal accident inquiry, is held in Scotland under the [Inquiries into Fatal Accidents and Sudden Deaths etc. \(Scotland\) Act 2016](#).

Fatal accident inquiries (Scotland)

The procurator fiscal carries out an investigation to determine whether there are circumstances that suggest the death may have been caused as a result of a criminal act or omission. If not, then the investigation may discover that the death has occurred in circumstances where a discretionary fatal accident inquiry (FAI) is appropriate. An inquiry may be held in other cases of sudden, suspicious or unexplained death, or death in circumstances that cause serious public concern. Decisions on whether these discretionary inquiries are held are made by the lord advocate.

An FAI is essentially a fact-finding exercise carried out in the public interest. Its purpose is not to apportion blame for the death, but to determine:

- where and when the death took place
- the cause of the death
- reasonable precautions whereby the death might have been avoided
- the defects, if any, in any system of working that contributed to the death or any accident resulting in the death
- other facts relevant to the circumstances of the death

FAI recommendations are made by sheriffs at the conclusion of the inquiry.

Judicial inquiries

Other judicial and quasi-judicial inquiries may take place to determine the cause and consequences of a mass fatality incident and review the manner in which the agencies involved in the response conducted themselves.

These inquiries can include a:

- central government-sponsored public inquiry
- local government-sponsored public inquiry
- criminal trial against an individual or corporate body

The usual aim of a public inquiry is to:

- identify information that can be used to improve future responses
- make recommendations to reduce the likelihood of a similar scenario occurring

Tags

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