

PE2085/Y: Introduce a statutory definition of residency for Fatal Accident Inquiries into the deaths of Scots abroad

Victim Support Scotland written submission, 11 February 2026

Victim Support Scotland (VSS) is responding to Petition 2085 – Introduce a statutory definition of residency for Fatal Accident Inquiries into the deaths of Scots abroad

Firstly, we provide some context to the support we are funded to provide.

VSS receives funding to support murder or culpable homicide abroad. The support we offer bereaved families, whether in Scotland or abroad, relies entirely on strict referral processes and requires criminality to be confirmed by the relevant authority.

In Scotland, VSS's Support for Families Bereaved by Crime (SFBC) service receives referrals from Police Scotland after they confirm criminality. Outside Scotland, VSS has a Memorandum of Understanding with the Foreign, Commonwealth and Development Office which refers family members to VSS for support following a death abroad when homicide has been confirmed by the authorities in the local country. VSS can only be involved after these organisations follow their own processes. We also only receive referrals once the family has requested support and/or consented to their details being passed to VSS.

This means that deaths occurring (either in Scotland or abroad) where no criminality has been found, and which are unexplained, suspicious, by suicide, or by road traffic accident, do not form part of our remit or funding agreement. Regarding the death of Davy Cornock's son, the family was not referred to SFBC as on application of the criteria, he would not have been considered eligible.

Mr Cornock contacted VSS in October 2025 asking us to participate in the Parliamentary Round Table, and we have since met with him to discuss potential involvement.

Having read the lengthy replies from the Cabinet Secretary for Justice and Home Affairs, the Lord Advocate, and Police Scotland, their replies indicate that they are not supportive of defining ordinarily resident - indeed they feel this is already adequately understood and applied.

We note Lord Cullen's review in 2016 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 and the All Party Parliamentary Group in 2019 have resulted in no Fatal Accident Inquiries for deaths abroad of this nature. Notwithstanding that VSS quite rightly does not have access to these cases, the fact that none have taken place does raise questions about whether a definition of ordinarily resident, or other required criteria, has prevented this.

Given the nature of VSS's experience and jurisdiction in relation to murders abroad, combined with Mr Cornock's experience, it would appear that there is a gap in support provision to bereaved families.

VSS's experience in supporting families bereaved by crime indicates that cases rarely follow a straightforward path. What is clear is that this becomes even more traumatising and difficult to navigate when the death takes place in another country.

If further defining ordinarily resident does not benefit families in these same circumstances, we must collectively acknowledge a gap in support. This gap places the onus on families to investigate, challenge, query, and understand complex international legislation, all at their own financial and time cost, whilst grappling to process the grief and trauma of losing a family member.

We welcome the opportunity to explore this gap in support for families experiencing deaths abroad. Our remit focuses entirely on cases of murder or culpable homicide and strongly believe exploring this more fully, alongside identifying agencies who can help when homicide is not confirmed, will assist all families impacted by a death abroad.

It is incumbent on agencies within the criminal justice sector, Victim Support Scotland included, to seek to address this. Mr Cornock has brought this opportunity emotionally, vociferously, and coherently to our attention, and we owe it to him and other families to come together to resolve this and future obstacles to justice.