

Citizen Participation and Public Petitions Committee
Wednesday 12 November 2025
17th Meeting, 2025 (Session 6)

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

Introduction

Petitioner David Cornock

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to introduce a statutory definition for Fatal Accident Enquiries into deaths abroad.

Webpage <https://petitions.parliament.scot/petitions/PE2085>

1. [The Committee last considered this petition at its meeting on 2 April 2025](#). At that meeting, the Committee agreed to write to the Cabinet Secretary for Justice and Home Affairs.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from the Cabinet Secretary for Justice and Home Affairs, the Petitioner, Graham Duncan, Julie Love and Dave Doogan MP which are set out in **Annexe C**.
4. The Committee has received a cross-party letter in support of the petition. The letter is set out at **Annexe D**.
5. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage](#).
6. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
7. [The Scottish Government gave its initial response to the petition on 27 March 2024](#).
8. Every petition collects signatures while it remains under consideration. At the time of writing, 243 signatures have been received on this petition.

Action

9. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
November 2025

Annexe A: Summary of petition

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

Petitioner

David Cornock

Date Lodged

28 February 2024

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to introduce a statutory definition for Fatal Accident Enquiries into deaths abroad.

Background information

We were informed through a third party and not official channels about the death of our dearly loved family member overseas. We have named suspects, suspected foul play and motive.

It's clear that the system defined by the Lord Advocate is broken and not understood by the Scottish Government as the 'term ordinarily resident' is undefined in law.

The common response is that the 2016 Lord Cullen report offers extra support. There have been no FAls following the deaths of Scots abroad since its introduction, despite statements from the Scottish Government that FAls would take place if it is in the public interest to do so or an investigation would prevent further deaths.

Scotland should afford as a minimum similar protection and support as England and Wales when an individual who lives or works abroad is repatriated.

Most families, if correctly informed of the differences and lack of intervention by Scotland would choose to repatriate to England or Wales. Clearly, it's the duty of the Scottish Government to make the UK Government aware of this.

Annexe B: Extract from Official Report of last consideration of PE2085 on 2 April 2025

The Convener: Agenda item 3 is consideration of continued petitions. To facilitate colleagues who are joining us this morning, I will take PE2085 first, which is out of sequence. We are joined by Michael Marra, and Bob Doris has just advised the committee that he has an interest in the petition and is on his way. Tess White is in the public gallery alongside the petitioners.

PE2085, lodged by David Cornock, calls on the Scottish Parliament to urge the Scottish Government to introduce a statutory definition for fatal accident inquiries into deaths abroad. We last considered the petition at our meeting on 15 May 2024, when we agreed to write to the Scottish Government, the Crown Office and Procurator Fiscal Service, Police Scotland and relevant legal stakeholders.

The Law Society of Scotland, the Crown Office and Procurator Fiscal Service and the Scottish Government consider that the definition of “ordinarily resident” in common law is widely recognised and accepted. The First Minister’s submission explains that officials who have been working on the issue with the Crown Office have reached the conclusion that it is not necessary to change the law at the present time. Similarly, the Law Society of Scotland’s response states that it does not consider that it would be necessary or desirable to develop a bespoke legislative definition for the purposes of fatal accident inquiries.

The petitioner’s written submission reiterates his position that the ordinarily resident definition is not understood and is vague, untenable and arbitrarily applied. The committee is aware that the system of coroners’ inquests, which is used in England and Wales, is significantly different to the Scottish system of death investigations. In England and Wales, a coroner’s investigation takes place in circumstances in which the death was violent or unnatural, the cause of death was unknown or the deceased died in state detention. The inquest mainly determines how, where and when someone died. Coroners will rarely make wider recommendations but can do so through a prevention of future deaths report.

In Scotland, fatal accident inquiries aim to establish what happened and prevent future deaths from happening in similar circumstances. They take place in limited circumstances at the Lord Advocate’s discretion in circumstances in which a death was sudden, suspicious or unexplained, if it gives rise to a serious public concern or if she considers that it is in the public interest to hold one. The Crown Office and Procurator Fiscal Service has a role in investigating a wide range of suspicious deaths, but only a small proportion of those are deemed to require the level of public investigation that is delivered by a fatal accident inquiry.

In relation to residency, the UK Minister for Victims and Violence Against Women and Girls explains that, in England and Wales, a coroner’s jurisdiction is based solely on the deceased person’s body lying within their coroner area. Therefore, when a person dies outside England and Wales, regardless of whether they were previously resident, the coroner’s jurisdiction is engaged if the body enters the coroner area and the death is reported to the coroner. The UK minister’s response also provides information about the number of inquests that there have been into deaths abroad

and the number of such cases for which a prevention of future deaths report was issued.

The petitioner has outlined a number of improvements that are being progressed as a result of his campaigning work. The Crown Office and Procurator Fiscal Service is working with the death certification review service and Police Scotland to produce new guidance on reporting and investigating deaths abroad. A memorandum of understanding on investigations abroad is being created for the Crown Office and Procurator Fiscal Service and the Foreign, Commonwealth and Development Office. The website has been updated to include contact details for the Scottish fatalities investigation unit.

Before I ask colleagues where we might consider going, I ask, in the first instance, Michael Marra if he would like to speak to the committee.

Michael Marra (North East Scotland) (Lab): I begin by thanking the committee for its continued interest in the petition. Having spoken to MSPs across the Parliament, I know that many members from right across Scotland have constituents who are affected by the issue. There is considerable interest in it across all political parties.

Today, we are joined by David Cornock and his wife, Margaret. I pay tribute to Davy, as he is known to me, for his campaigning work. Convener, you have outlined some of the changes that he has managed to obtain, but we should recognise that it is a time of continuing grief and great challenge for his family. I pay tribute to them for their work.

Since I spoke in support of the petition at the committee on 15 May 2024, you have received, as you have outlined, a considerable amount of correspondence from key stakeholders. Police Scotland highlighted that the decision to hold a fatal accident inquiry into a death abroad lies solely with the Lord Advocate. The Crown Office and Procurator Fiscal Service stated that, although it is correct that the COPFS can conduct inquiries short of a fatal accident inquiry in relation to deaths abroad, it relies on the person being ordinarily resident in Scotland. The Law Society of Scotland stated its view that the concept of ordinary residence is widely recognised and accepted. The First Minister confirmed the Scottish Government's position is that it is not necessary to change the law at present.

The UK Government's Minister for Victims and Violence Against Women and Girls supplied statistics that showed that around 1,500 deaths of people from England and Wales abroad were reported to the coroner annually, and between 200 and 400 inquests have been concluded on deaths abroad in each year since 2016. Meanwhile, in Scotland, since the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016 was passed, not a single fatal accident inquiry has taken place into the death of a Scot abroad. Given that 200 to 400 inquiries have concluded in England and Wales each year, it is simply not credible to suggest that, in the past nine years, there have been no such cases that involve Scots or relate to Scotland.

The evidence suggests that Scottish families are being denied justice. Convener, you outlined some of the key differences in the system in your opening remarks. We

recognise that the system has differences, but the outcomes for people are the key issue for the committee to consider in its work.

We have reached the point at which, as your committee's inquiries and correspondence have made clear, the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016 is not meeting the needs of Scottish families. Whether or not the legislation has met the Scottish Government's intentions is another question. At this stage, it is only right that the committee considers asking the Lord Advocate and the appropriate Scottish Government minister to come and tell the committee and bereaved families across the country why they believe that the current situation is satisfactory. I believe that it is entirely unsatisfactory, and many grieving families agree with me.

The Convener: Thank you, Mr Marra. The committee understands that the Foreign, Commonwealth and Development Office has provided information to Dave Doogan MP on requests relating to deaths abroad. The Foreign, Commonwealth and Development Office's figures reflect the number of requests that it has received for documents to assist with coroners' inquests, rather than the number of inquests that have taken place, which accounts for the discrepancy in the numbers that the committee has received in response to our formal inquiry.

It is the case that, when considered in the abstract, such things may seem to be one thing, but individuals who then have to deal with the system find it to be wholly unsatisfactory in how they have to work and navigate their way through it.

11:15

Bob Doris has joined us. Good morning, and welcome, Mr Doris. I am sorry that we began discussing the petition just ahead of your arrival, but would you like to say something to the committee on the petition?

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I give my apologies for not notifying Mr Marra that I was coming along to the meeting.

My involvement in the petition came when my constituent Julie Love contacted me and made me aware of it—it was remiss of me not to know about it until now. Julie and I campaigned on the issue ahead of the Cullen review, which led to a change in the law for fatal accident inquiries so that the Lord Advocate and the Crown Office have the discretion, in exceptional circumstances, to make deaths that happen abroad subject to an FAI. My constituent and I have an interest in making sure that the system works as it was intended to at the time.

I offer my sympathies to the family that Mr Marra is representing. Julie lost her son, Colin Love, several years ago now, but I know that it still feels as if it was yesterday. She wishes that there had been a fatal accident inquiry at that point.

My only observation from a quick look at the evidence is that, although we might not need to define the term "ordinarily resident" in legislation, I want to know that the term is not restrictive and that, if the Lord Advocate and the Crown Office deemed someone not to be ordinarily resident, they would still be able to investigate

appropriately and, ultimately, to have a fatal accident inquiry if it was in the public interest to do so.

I totally understand why that term is in the legislation. Back in 2016, we did not want to see—I hate to sound glib; that is not my intention at all—the thousands of expatriates who have made their lives in Benidorm, Spain and elsewhere being subject to fatal accident inquiries when they passed away. That was one of the reasons why the term “ordinarily resident” was placed in law. However, that was clearly not the case with the family that Mr Marra is supporting.

I want to make sure that the law is working as it should be. I also want an assurance that the Lord Advocate and the Crown Office have the discretion and flexibility to action investigations should they wish to do so, and that they are not duty bound to follow a definition of “ordinarily resident” that is restrictive.

The Convener: Thank you, Mr Doris—that is helpful. Having considered the issues that have been raised, do colleagues have any suggestions as to how we might proceed?

David Torrance: I find this quite difficult but, in the light of the evidence and the responses that we have had, I do not know whether the committee can take the petition any further. I would like us to consider closing the petition, under rule 15.7 of standing orders, on the basis that the Law Society of Scotland, the Crown Office and Procurator Fiscal Service and the Scottish Government consider that the definition of “ordinarily resident” in common law is widely recognised and accepted, and that disputes about whether someone is ordinarily resident in Scotland can be taken to court. Further, the Crown Office and Procurator Fiscal Service has progressed improvements on issues, including new guidance on reporting and investigating deaths that happen abroad, as well as a new memorandum of understanding with the Foreign, Commonwealth and Development Office.

The Convener: I am in the awkward position of not knowing whether I entirely agree with that.

David Torrance: To add to that, I wonder whether the committee could just write—

The Convener: Could we not write to the Cabinet Secretary for Justice and Home Affairs to seek her views on the merit of the systems that operate in England and Wales? We have established a practice of meeting with cabinet secretaries. We had the Cabinet Secretary for Transport at the meeting today and we will be meeting with the Cabinet Secretary for Health and Social Care immediately after the summer recess. I just wonder whether, in the light of any response that we get, there might be an opportunity to have a round-table discussion with the Cabinet Secretary for Justice and Home Affairs later in the parliamentary session, at which we could potentially draw these things to her attention.

David Torrance: I will bow to your wisdom, convener.

Foyso Choudhury: I agree with you, convener. We should write to the Cabinet Secretary for Justice and Home Affairs and we should keep the petition open until then.

The Convener: Would you be willing to support that, Mr Torrance?

David Torrance: I withdraw my recommendations.

The Convener: We will keep the petition open. We will write to the cabinet secretary to draw attention to the suggestions that have been made and suggest that the committee would be interested in more direct engagement before the end of the parliamentary session with the cabinet secretary on that and on responses that we have received to other justice petitions at that time.

Are we agreed on that, colleagues?

.

Annexe C: Written submissions

Cabinet Secretary for Justice and Home Affairs written submission, 6 May 2025

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

Thank you for your letter of 7 April 2025 in relation to PE2085. I note that this Petition was lodged by Mr Cornock following the death of his son in Thailand in 2019. Since his son's death Mr Cornock has been in regular contact with the Scottish Government and more recently he has focussed on seeking a change in the law so that the term 'ordinarily resident' is defined in the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act (2016) ("the 2016 Act").

Mr Cornock has met with myself in May 2023, the Lord Advocate in March 2024, and the First Minister on 21 April 2025. At his meeting with the First Minister, it was confirmed that the Scottish Government do not plan to change the 2016 Act after a major review of previous provisions by Lord Cullen.

The term "ordinarily resident" that is contained within the legislation is viewed as sufficiently flexible and workable by the Crown Office and Procurator Fiscal Service who have the responsibility, on behalf of the Lord Advocate, for the investigation of deaths in Scotland. The Scottish Government also consider that the current definition in common law is sufficient to allow the Lord Advocate to conduct an assessment into ordinary residence depending on the facts and circumstances of each particular case.

It would be sensible to note that a change to the definition would require primary legislation and it is not clear that this would in fact achieve the aim that Mr Cornock seeks. Being 'ordinarily resident' is only one of the conditions that needs to be met for an FAI to be considered appropriate. The Lord Advocate would also need to consider that the death was sudden, suspicious or unexplained, or occurred in circumstances giving rise to serious public concern; that the circumstances of the death had not been sufficiently established in the course of an investigation in relation to the death; that there is a real prospect that those circumstances would be sufficiently established in an inquiry; and that it would be in the public interest for an inquiry to be held into the circumstances of the death.

Inquiries into deaths abroad were always anticipated to be rare and none have been held since the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016 came into force in 2017. Irrespective of whether an FAI is permissible under the 2016 Act, an investigation into a death abroad faces formidable hurdles without the cooperation of the domestic authorities. Neither Police Scotland nor the Lord Advocate has jurisdiction to conduct investigations overseas and the primacy of the relevant foreign jurisdiction must be respected.

I understand that the coronial system in operation in England and Wales is different to the system of FAIs in Scotland. However, the coroners and police in England and

Wales face the same restrictions in relation to gathering information and investigating a death abroad as we do here in Scotland; they do not have jurisdiction to conduct investigations overseas and are reliant on the co-operation of the relevant foreign authority. There is therefore no intention to change the current system in Scotland.

Yours sincerely,

ANGELA CONSTANCE

Petitioner written submission, 26 May 2025

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

It's very clear that the Cabinet Secretary for Justice and Home Affairs' response PE2085K is inaccurate and it surprisingly still does not appear that the Cabinet Secretary understands the gravity of the situation and what we are trying to prove - that the ordinarily resident term is unachievable as families are never asked and there is not a defined criterion. I have also been provided by the Scottish Government and the Lord Advocate with similar terms such as Habitual Resident, Permanent Resident and Relevant person etc. Again, non-defined qualifications for residency. I would suggest this is further confusing the situation, particularly for families in distress.

The Cabinet Secretary states:

'Being 'ordinarily resident' is only one of the conditions that needs to be met for an FAI to be considered appropriate. The Lord Advocate would also need to consider that the death was sudden, suspicious or unexplained, or occurred in circumstances giving rise to serious public concern; that the circumstances of the death had not been sufficiently established in the course of an investigation in relation to the death; that there is a real prospect that those circumstances would be sufficiently established in an inquiry; and that it would be in the public interest for an inquiry to be held into the circumstances of the death.'

As we are aware, not one FAI has been undertaken since 2007 or since the Lord Cullen review in 2016 where in England and Wales there are around 1300 inquests every year plus around another 400 investigations undertaken to prevent future deaths. The only qualifying criteria that is different is the ordinarily resident definition in Scotland. With an estimated 1000 deaths of Scots overseas not investigated over a 9-year period since 2016, I do not believe that anyone can justify the effectiveness of the current system. It is statistically beyond belief that in 9 years no Scot has qualified for an FAI. It's clear that the current process does not work and that the ordinarily resident test is not applied correctly or in many cases including our loved ones until 5 years after his death.

Our loved one's death was also unexplained, undetermined, suspicious, the cause had not been established, and I would suggest in the public interest to investigate

given that there are around 600 UK deaths in Thailand every year with around 200 undetermined. Our lawyer also stated murder.

The Cabinet Secretary also references my meeting with the First Minister in April 2025 at no time did the First Minister state that there were no plans to change the 2016 Act. The discussions with the First Minister centred around the role of the Death Certification Review Service (DCRS) and Scottish Fatalities Investigation Unit (SFIU), myself and my MPs concerns on the failures on the current systems particularly around ordinarily residency and the official organisations designed to assist, advise and support families and investigate the circumstances of the death if necessary. We also discussed the comparisons with England and Wales Inquests versus FAls, the denial of FOIs and potential ideas to improve the system.

We further discussed the contradictions on residency status on the 2024 Memorandum of Understanding where the Lord Advocate referencing stated qualification examples for ordinarily resident being where the victim banked, where their families live, where they were registered to vote, where they had insurance and whether they had a mortgage. Our loved one had these and several more notably working for a Scottish Company visiting regularly and no having residency anywhere else.

I would also request that, as this has not happened in previous public hearings, the major stakeholders are requested to appear namely Julie Love MBE, the Lord Advocate, Cabinet Secretary for Justice and Home Affairs' and preferably the First Minister. Particularly given the Cabinet Secretary's statement that the First Minister has stated that his government does not plan to change the law. I believe all must justify this given the undeniable knowledge of systematic failure.

I would also strongly request that Mr Dave Doogan MP is called as an expert witness. Dave has expertise in both the UK and Scottish systems and can confirm the absolute failure of the Scottish system. Dave's insight is long standing, educated, balanced and insightful.

I would also like to be invited to speak as I believe I have some expert advice to offer and potential solutions to ensure the system is vastly improved. These include in the short term appointment of a public appointee to engage with the grieving families and the Foreign Commonwealth and Development Office (FCDO) prior to repatriation to educate and inform of their choices as UK citizens and the current implications of choosing repatriation to Scotland. This education should explain that an FAI has never been held when repatriated to Scotland, whilst in England an Inquest must be held.

It is also unfortunate that the fact that insurance will not pay out on an undetermined death and an inquest or investigation would address this.

The Lord Advocate has also stated the Scottish Fatalities Investigations Unit will work closer with families following repatriation. This is far too late we are aware if the deceased is considered not ordinarily resident any investigation is prevented by any UK organisation.

It's very welcome that Mr Doris and Ms White maintain an interest and are willing to speak to the Committee. It's also clear that given the potential 1000 deaths that have occurred since 2016 with no FAI that many other MSPs will also have an interest given that their constituents have written to them on the current situation on deaths abroad and the implications to their companies, employees, members and families.

The Scottish Trades Union Congress, unions, major Scots employers, Offshore Energies UK and industry leaders all also have an interest in the outcome of this petition.

It's also welcomed that the Scottish Government have such a strong stance on the atrocities in Gaza, Ukraine and elsewhere. However it appears that when these atrocities happen to their own citizens, grieving families are treated with absolute contempt.

Petitioner written submission, 24 October 2025

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

Firstly, I am deeply concerned that myself as Petitioner, key stakeholders, the Lord Advocate, Cabinet Secretary for Justice and Home Affairs, expert witnesses such as Dave Doogan MP, Julie Love MBE and other interested parties' - industry, trade unions, support groups etc despite repeated requests have not been called to speak. As is our right. This concern was justified at the 2nd hearing when the Deputy Convener's baseless but effective intervention attempted to close the petition. We are fully aware that the Cabinet Secretary for Justice and Home Affairs believes despite absolutely no supporting evidence that the current system based on the non-defined "Ordinarily Resident" term is fit for purpose.

It's clear that the Lord Advocate who applies the law and Cabinet Secretary, who is responsible for making the law, must be called in order to prevent any deflection or misunderstanding of the obvious impasse in facilitating change. Both are currently publicly blaming each other.

As we are now aware my petition is receiving cross party support confirmed at the recent roundtable meeting Chaired by Michael Marra MSP and attended by MPs, MSPs, Industry, Foreign, Commonwealth & Development Office, Victim Support, Police Scotland, expert witnesses, trade unions, the press and others.

Michael has also drafted letters to go to the Cabinet Secretary for Justice and Home Affairs and the Convener of the Citizen Participation and Public Petitions Committee. These letters signed by MPs and MSPs will be copied to the Cabinet Secretary, the Lord Advocate and the First Minister for their information.

I believe we have established that there is consensus that the Ordinarily Resident term is a disqualification for an FAI under any circumstances following a suspicious death abroad, below are some disqualification criteria. This was provided by the Lord Advocate and Crown Office.

I have over 50 of these.

Deceased lived in Bulgaria for 11 months.

Deceased lived in the USA for 9 months.

Deceased moved to Kenya 6 months previously.

Deceased had a residency Visa in Dubai

It was also eloquently presented at the roundtable meeting by Senior industry figures that employees mobilised from Scotland may spend more time overseas on one working trip than the criteria above. These industries are issuing instructions that should a suspicious fatality occur overseas that repatriation to Scotland is not an option. They are also looking at the insurance situation whereas we know insurance companies do not pay out on an undetermined or unnatural death.

Please find below a short statement from Dr Billy Milligan

Dr Billy Milligan BEng (Hons) MSc PhD CEng FInstMC MIET

Director of Instrumentation and Control | Chart Industries Fellow

Chart Industries

“Our organisation regularly deploys employees overseas for extended periods, often to locations associated with large-scale energy projects. These assignments can last several years, far exceeding some of the durations listed in the table supplied by the Lord Advocate. These locations often carry an increased risk with them as many of these projects are situated in regions that may not be considered desirable or straightforward travel destinations, which means we must always consult the Foreign, Commonwealth & Development Office to confirm whether travel is permitted and under what conditions. Given the nature and length of these postings, it is essential to have a clear and practical definition of “ordinarily resident.” This ensures compliance with legal and safety requirements, and provides clarity for both our employees and the organisation when operating in complex international environments.”

It's also statistically impossible that no FAIs have been undertaken in Scotland as official figures supplied by the Home Office confirm that in England and Wales annually since 2019 there have been 1300 coroners' inquests and an additional 400 inquests in an attempt to prevent future deaths. This totals over 10000. Scotland has had zero equivalent FAIs in that time despite apparent improvement in 2016 following the Lord Cullen report and the All-Party Parliamentary Group in 2019. Indeed, there have been zero FAIs since 2007.

We have also recently discovered that there is a dedicated murder and manslaughter team chaired by the FCDO attended by the Scottish and UK Government, Police Scotland support charities and expert witnesses. This team is dedicated to improving the system and support for families losing loved ones abroad. Charities including Victims Support Scotland are working closely with the FCDO and receive funding under the support for bereaved family's scheme. This is allocated to assist repatriation, referrals to other agencies and emotional and

practical support. Again, despite attempting to engage this was never mentioned. My MP assisted in the provision of this information.

We have since confirmed that a Police Scotland Special Crime Unit at Gartcosh are positioned to investigate crimes abroad. Again, this information was denied.

Adding insult to injury the Scottish Government do not include murder and manslaughter in their overseas deaths statistics, further absolving themselves of responsibility.

It appears that our family and I am sure most of the 1000 other families since 2019 have been thwarted, misled, stalled, denied and I would suggest lied to in their quest for clarity truth and potential justice. The implications of this are severe both emotionally and financially.

As a minimum we require immediate parity with England on Wales and introduce and Inquest system or provide families the choice to repatriate to England or Wales.

I also recently had a meeting with the First Minister which I will respond to. Since then however the First Minister has publicly stated that he will look seriously at the Ordinarily Resident and FAI situation and will engage the Lord Advocate.

I am also keen to meet with the First Minister and discuss this situation and also the implications of the Hillsborough Law.

I believe that our journey has proven beyond any reasonable doubt that whilst a system for the investigation of suspicious deaths abroad exists, it clearly from top to bottom is dysfunctional misunderstood and broken.

I also strongly request that I am called to speak, my MP Dave Doogan, the Lord Advocate, Cabinet Secretary for Justice and Home Affairs, Julie Love MBE, and other interested parties – industry, unions etc are also afforded this opportunity.

Graham Duncan written submission, 27 October 2025

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

My involvement in the case of David Cornock's death stems from him being one of my ROV operational crews working for TechnipFMC. I have followed his father's attempts to navigate and understand the complexities of undetermined deaths of Scots abroad in an attempt to gain clarity of the system, and to make the legislation is more fit for purpose for those families who will undoubtedly face the same tortuous routes in the future.

It is clear that the use of 'Ordinarily Resident' as a primary rationale to decide if an FAI should be initiated following an undetermined death abroad, is hugely contentious and clearly is a bar to those many Scottish families seeking justice and closure.

A clearer definition in law directly, in the above respect, and a framework where all aspects on the deceased life tie into a consistent applied assessment.

The lack of any FAI's being undertaken is astonishing and points to a clear flaw in the Act and to contempt of our citizens by certain parts of the judiciary. It would seem use of the phrase sets the bar really high for the families and allows a path of least resistance to be pursued by others.

Oil and gas is a truly global industry, where many Scots habitually work abroad for months at a time. During Covid TechnipFMC vessels had crews onboard for 4-6 months at a time. If any of them had died at work in an undetermined fashion would they be classed as ordinarily resident? I suspect there may be some issues in that particular occurrence.

I support Davy and his family in their quests to ease the way forward for future cases which will undoubtedly continue. We have to do the best for them, not simply by having transparency of the system and its implications, but by doing the right thing by grieving families by improving a system that is clearly failing.

I firmly believe that the England/Wales system where undetermined death coroners' inquests are mandatory where one of their citizens died abroad, clearly works, and that we can learn valuable lessons from that process.

For my part I have advised the Global Director and Managers of crewing as to the progress of the petition and how it would affect individuals' positions going forward should any crew decide to exit Scotland on even a semi-permanent basis.

Julie Love written submission, 29 October 2025

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

Having participated in the roundtable meeting in the Scottish Parliament on 18 October 2025, hosted by Michael Marra MSP re Davy Cornock's petition, I felt compelled to respond to the Committee as I originally submitted PE1280 in 2009. The petition was calling to allow the Lord Advocate the discretion and the Procurator Fiscal the powers to investigate after the death of a Scot Abroad. I have a vested interest in ensuring the processes implemented at that time work as intended and that guidance is reviewed/updated when relevant. I'm well aware it's not a one size fits all for supporting families after a death abroad, however at the time it was necessary to allow the legal powers to be transferred to the Lord Advocate.

The scope of Lord Cullens's 2009 publication of his inquiry report states the Lord Advocate should have the power to apply for an FAI into the deaths of persons 'normally resident' in Scotland where the body is repatriated to Scotland. I believe there were many legislative debates regarding residency that should potentially be in the public domain and have no doubt the response to the Committee "The Law Society of Scotland, the Crown Office and Procurator Fiscal Service and the Scottish Government consider that the definition of "ordinarily resident" in common law is widely recognised and accepted. The First Minister's submission explains that

officials who have been working on the issue with the Crown Office have reached the conclusion that it is not necessary to change the law at the present time. Similarly, the Law Society of Scotland's response states that it does not consider that it would be necessary or desirable to develop a bespoke legislative definition for the purposes of fatal accident inquiries." pertains to that.

During the Committee proceedings of 2 April 2025 I was disappointed that the Deputy Convener David Torrance MSP suggested the petition be closed and that basically the Petitioner (grieving family) can take the Government to "court", Mr Torrance also stated "COPFS has progressed improvements on issues, including new guidance on reporting and investigating deaths that happen abroad." I am not aware of new, publicly accessible guidance specifically addressing the reporting and progression of deaths that occur abroad. Could Mr Torrance or the Committee elaborate on this please?

Having campaigned for many years for better support for grieving families living in Scotland left to pick up the pieces after a loved one's death abroad, my belief at the time (naively perhaps) was that the support from the change to FAIs would be for the families living in Scotland and not necessarily where the deceased relative resided and that that particular terminology was being used for statistical purpose only. I was truly disappointed to learn of the circumstances leading to Mr Cornock's petition and believe he/his son are in fact the victims of a failed system that does not work as intended and that legislative processes suggesting bereaved families take Governmental departments to court are not in this country or in bereaved families interest.

I'm aware Mr Cornock has had meetings with stakeholders of this legislation and has had some positive outcomes, particularly relating to the recently developed Scottish Memorandum of Understanding (MOU) for deaths abroad.

I've long campaigned for change to processes both to the Scottish Government, UK Government and the Foreign, Commonwealth & Development Office and I'm a contributor to the MMT working group (Murder & Manslaughter Team) within the FCDO. I underwent life changing surgery and was undergoing chemotherapy in June 2017 when the legislation finally came into force. I've had various ongoing serious health issues and recently have become financial and welfare guardian for a family member who has a dementia/Alzheimer's diagnosis restricting me from being as proactive as I used to be.

I fully support Mr Cornock's petition and I feel/believe/fear that another family could fall into the same hopeless situation that Mr Cornock has found himself in. There doesn't appear to be a "safeguard" for families. The stage at which "ordinarily resident" appears to be decided is very early after the repatriation process and families at this stage are not aware of potential struggles ahead. If this is the Government's final say, then I believe they have an obligation to make this public knowledge to Scots living and working abroad. I have a family member who works for a Scottish university in Dubai, he has worked and resided there for almost 10 years and he would not fit the "ordinarily resident" criteria should he have a suspicious death abroad.

In fact, is it possible the petitions Committee to confirm exactly when the decision of “how” the death abroad is determined and “when” as this will have an impact for families in the future.

I request the information above is discussed within the Committee and that the petition remains open or is transferred to the Justice Committee for their recommendations.

Dave Doogan MP written submission, 5 November 2025

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

As current procedures stand, there is an apparent efficacy gap between the Act as introduced in the Scottish Parliament and the intended effect to bereaved families in Scotland who have lost loved ones abroad. This is certainly true in David Cornock’s son David’s case which faced inconsistent dialogue, and a deeply regrettable absence of coherent meaningful support from the DCRS or the SFIU from the outset.

There is of course an inevitable element of jeopardy in being subject to the veracity or otherwise of investigations into unexplained deaths abroad which this legislation sought to address, but in the many years since introduction, there clearly remain challenges to this legislation’s operation effect and the public’s confidence therein.

It is reasonable to have a clear testable criteria for ordinarily resident status. MSPs will doubtless wish to scrutinise the specific criterion and thresholds with which this is presently applied, however in light of Mr Cornock and others cases, clarity over this term is a sensible step to provide confidence in the processes in place moving forward.

Future bereaved families in Scotland must receive support and guidance, through the most challenging of times of times imaginable, of a robust system featuring not only compassion and sensitivity but just as importantly clarity, operational grip, and robust procedures based upon clearly defined and testable language.

Annexe D: Cross-party letter

Wednesday 22nd October 2025

Dear Convener,

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

We are writing to you following a roundtable in the Scottish Parliament on Wednesday 8th October 2025 organised by Michael Marra MSP regarding Fatal Accident Inquiries into the deaths of Scots abroad.

At the event, we were joined by Scottish families whose loved ones had died abroad. We heard powerful testimony from Davy Cornock and Julie Love, who each suffered the tragic loss of their sons abroad. Mr Cornock and Ms Love shared their experience and explained how the trauma of losing a child was compounded by the lack of support or access to justice.

You will be aware that, since the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 was passed, no Fatal Accident Inquiries have been carried out into the death of any Scot abroad.

Data from the UK Government shows that, in England and Wales, between 200 and 400 inquests into deaths abroad have concluded in each year since 2016.

We believe that the lack of any Fatal Accident Inquiries into the deaths of Scots abroad since the Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 was passed suggests that the legislation has not worked as intended.

Families who lost loved ones abroad, including Ms Love with the help of Bob Doris MSP, were involved in the legislative process and had hoped that this law would improve the process for families in similarly tragic circumstance.

We have collectively written as a group of cross-party Parliamentarians to the Cabinet Secretary for Justice & Home Affairs seeking her views on the operation of this legislation. We have copied this letter to the Lord Advocate and the First Minister. Given the relevance to Petition PE2085, we will keep the Committee informed of their responses.

With best wishes,

Michael Marra MSP

Liam Kerr MSP

Bob Doris MSP

Elena Whitham MSP

Jackie Baillie MSP

Katy Clark MSP

CPPP/S6/25/17/8

Martin Whitfield MSP

Douglas McAllister MP