

PE1699/B

Scottish Government submission of 5 October 2018

Section 48(5) of the Scotland Act 1998 provides that any decision of the Lord Advocate in his capacity as head of the systems of criminal prosecution and investigation of deaths in Scotland shall continue to be taken by him independently of any other person.

In these circumstances the development of protocols is a matter for the Lord Advocate, and the independent Crown Office & Procurator Fiscal Service which he heads.

The provisions of the 1998 Act would appear to make it unlikely that the Scottish Parliament could make any enactment replicating the English system based on the coroner, even if it were minded to do so.