

Information and advice for bereaved families and friends following death on the road in Scotland



For more help and emotional support call our helpline

0845 603 8570

or email helpline@brake.org.uk

Go to www.brake.org.uk for this book online

For a children's version of this book call 0845 603 8570

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Introduction

If someone close to you has been killed in a road crash, or if you are caring for someone bereaved in this way, this pack aims to help. You may find it helpful to keep the pack somewhere safe and refer to different sections when necessary.

What to consider reading now

If you have been bereaved in the past few hours or days, you may find it helpful to read the yellow tabbed section 'What happens now?'

If you don't feel able to read on right now, you may want to ask someone who is with you to read these pages and tell you things you might need to know.

Emotional support for you

The yellow book in this pack, *Coping with grief*, offers advice on how to cope and who to turn to for support.

Procedures that follow death on the road

This ring-bound section gives an introduction to procedures that often follow death on the road. You don't have to read everything right away and not everything may be relevant to you. You may find additional information of help on www.victimsofcrimeinscotland.org.uk

Help now

As well as your police contact, charities that can help you are listed on page 16 onwards in the accompanying yellow book *Coping with grief* or call the Brake helpline on 0845 603 8570. There is space to record names and numbers of people you talk to in the next section of this pack.

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If you need extra free copies of this pack for others, ask your police contact or call the Brake helpline on 0845 603 8570.

Brake also produces the following free guides which may be useful to you, depending on your circumstances:

- *Information and advice following death on the road in England and Wales* (if the crash happened in these countries)
- *Information and advice for bereaved families and friends following death on the road in Northern Ireland* (if the crash happened in that country)
- *Someone has died in a road crash* (book for children and their carers)
- *Information and advice following a serious injury in a road crash*
- *What happens in an Intensive Care Unit?*

You can obtain any or all of these guides by calling 0845 603 8570.

Important contacts and your notes

Your police contact

Your main police contact may be a Family Liaison Officer (FLO). A FLO is a police officer trained to help bereaved people. Whether or not your police contact is a FLO, they should be able to:

- help you with immediate things, such as seeing a loved one's body
- provide compassionate guidance
- keep you informed of the police investigation
- help you to manage any contact from the media (see page 29)
- with your consent, help to put you in touch with support agencies
- help answer questions you may have, or direct you towards someone who can

Best practice procedures for Family Liaison Officers who are supporting families bereaved by road crashes have been laid down by the Association of Chief Police Officers in Scotland in their Road Death Investigation Manual. You can download the manual from the 'Policies' section of www.acpos.police.uk or call 0141 435 1230 for a copy.

Victim Information and Advice

At a later stage, your police contact will withdraw from your case and you may be introduced to a Victim Information and Advice (VIA) officer. This will happen if it is likely that your case is going to result in criminal charges against someone. VIA is there to update you about the progress of your case and help you to get in touch with support agencies, if this is what you want.

To find out more about VIA, go to page 35, call 0131 243 3027 or go to www.copfs.gov.uk and click on 'victims of crime'. You can also go to www.victimsofcrimeinscotland.org.uk

Who needs informing about the crash right now?

The police may not know everyone who should be told right away. There may be relatives or close friends who still need informing because they don't live with you or aren't with you right now. You may choose to do this yourself, or ask your police contact to do it for you. Ask your police contact if you need another copy of this pack, or call Brake on 0845 603 8570

Important contacts

You can use the space below and overleaf to record names and telephone numbers of people you may need to talk to over the coming weeks and months.

Your police contact

Name

Station phone number

Mobile number

Pager

Times they can be contacted

Police officer in charge of the investigation

(Senior Investigating Officer)

Name

Phone

Procurator Fiscal (the public official who investigates all sudden deaths)

(see page 33)

Name

Phone

Victim Information and Advice officer (VIA is part of the Crown Office

and Procurator Fiscal Service. It is an information service for nearest relatives in cases which may involve criminal proceedings.) (see page 35)

Name

Phone

Hospital or mortuary staff

Name

Phone

Funeral organiser

Name

Phone

Voluntary support organisations assisting you (see page 16 in the yellow book *Coping with grief* in this pack for contact details)

Organisation

Name

Phone

Organisation

Name

Phone

Organisation

Name

Phone

GP

Name

Phone

Solicitor helping you with a compensation claim (see page 69)

Name

Phone

Therapist or counsellor (see page 22 in the yellow book *Coping with grief* for information on how to obtain this help)

Name

Phone

Faith or spiritual leader

Name

Phone

You may wish to use the blank pages that follow to write down questions you want to ask and information you have been told by these people and others.

You may also want to keep copies of any letters or documents you receive in a safe place.

What happens now?

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Organ and tissue donation

It may be possible to donate organs or tissues to help others live, even if a loved one died at the roadside rather than in a hospital. If you want to discuss this, **phone your nearest main hospital and ask to speak to the on-call donor transplant coordinator.**

Under Scottish law, if your loved one registered their wish to be a donor, medical staff will try to fulfil this wish. If your loved one's wishes are unknown, medical staff must talk to the nearest relative. Permission is nearly always required from the Procurator Fiscal, who investigates all sudden deaths (see page 33). This permission is usually given.

Organs or tissue will be removed with care. You can still see a loved one's body afterwards if you choose. If you have any questions, talk to medical staff or a donor transplant coordinator.

Seeing a loved one's body

After someone dies, their body is taken to a hospital mortuary or a local authority mortuary.

You can decide whether or not to see a loved one's body. To help you make this decision, and if you didn't see a loved one in hospital or at the roadside before their death, it may help to ask police or medical staff to tell you about injuries to a loved one's body and what their body looks like.

Sometimes, the bodies of people killed in road crashes have few visible injuries because injuries are internal. Sometimes bodies are very badly damaged. If a body is badly damaged, medical staff may cover the most damaged areas with a sheet. You can ask which areas of a body will be covered or uncovered. Sometimes the whole body is very badly damaged. Sometimes a body is a different colour, due to internal bleeding or bruising.

You may choose to see a loved one's body to say goodbye. Or you may choose to remember someone as they were. The decision is yours. You can take your time to decide. If a loved one's body is in a hospital, there may be a hospital chaplain or bereavement officer who can support you at this time. You can ask if this support is available.

Touching a loved one's body

If you decide to see a loved one's body, you may wish to touch their body. If you want to do this, talk to your police contact or medical staff.

Sometimes, bodies of people killed in road crashes are very delicate because they are damaged, or bodies should not be touched for reasons to do with a police investigation. If you touch a loved one's body it may help to remember their body will feel cold.

Identifying a loved one's body

The police sometimes require a family member to identify a person who has died. If the police ask you to do this, they may ask you to identify your loved one's body or identify them from their belongings. If you do not want to see a loved one's body but you are asked to identify their body, ask the police if there is anyone else who could do this for you. Alternatively you may be able to identify the body by video link, by photograph or through an internal glass window.

Post-mortem examination

After someone dies on the road, there is a post-mortem examination of their body. This is a medical examination to determine the cause of death. It is carried out by a specialist doctor called a pathologist.

A post-mortem examination is carried out on behalf of the Procurator Fiscal (see page 33). The Procurator Fiscal investigates all sudden deaths.

In nearly all cases of death on the road, the Procurator Fiscal decides that a post-mortem examination should include surgically opening and looking inside a body. The body is then closed again. This is called an invasive autopsy. Some people have objections, for faith or other reasons, to an invasive autopsy. If you have objections, or concerns about the way it will be carried out, you should talk to the Procurator Fiscal.

A post-mortem examination also includes a toxicology report. This means that the pathologist studies blood and tissue to find out if there are any toxic substances, such as alcohol or drugs, which may have contributed to death.

In rare instances a second post-mortem may be carried out on behalf of someone who is accused of a criminal offence in connection with the death.

More information about the Procurator Fiscal is on page 33. Your police contact can tell you how to get in touch with the Procurator Fiscal if you haven't been contacted by them already.

Organ or tissue retention

Almost every post-mortem examination involves the taking of small tissue samples, known as 'tissue blocks'. These are less than six millimetres thick and are embedded in wax or resin. From them, very small amounts of tissue, thinner than a hair, are placed on glass slides so they can be examined under a microscope. These slides help confirm the cause of death. Tissue samples retained from the post-mortem examination become part of the dead person's medical record.

Rarely, a Procurator Fiscal releases a body for burial or cremation but retains organs or tissue temporarily as part of their on-going investigation into the cause of death. The nearest relative will be informed. You can then choose whether or not to postpone the burial or cremation until the investigation is over. Sometimes medical personnel want to retain organs or tissue for research, education or training. They can only do this with the authorisation of the person who died (if they were an adult) or their nearest relative.

The law on organ and tissue retention is explained in the Human Tissue (Scotland) Act 2006. The Procurator Fiscal or the pathologist can provide more information about the law or your case.

Delays to a burial or cremation

A burial or cremation can only take place once the Procurator Fiscal has given permission. To find out how long a post mortem examination will take, or if you have objections to a burial or cremation being delayed, talk to your police contact or the Procurator Fiscal.

The post-mortem examination report

It is possible for you, for free, to see a copy of a loved one's post-mortem examination report. You may or may not want to see it. The Procurator Fiscal can arrange for it to be sent to your GP who can help explain it. Sometimes, you cannot see it until after an investigation has finished. A pathologist who carried out a post-mortem examination may also be able to meet with you. Usually this happens at the office of the Procurator Fiscal.

Leaflets called *Post Mortem Examination* and *What happens when a death is reported to a Procurator Fiscal*, are available from the Procurator Fiscal.

Return of a loved one's personal belongings

The police, hospital officials or mortuary staff may be holding personal belongings of a loved one who has died, such as a bag, clothes or jewellery. You can ask if they are holding any belongings, and what they are. You may or may not decide that you want to have all or any of them returned.

Personal belongings, particularly clothes, are often damaged in crashes. Before deciding if you want certain belongings, you may want to ask about the condition of them.

If you want something returned that has been damaged, you can choose whether you want it returning just as it is, or cleaned first. Some people don't want a loved one's clothes cleaned because the clothes may carry the smell of that person. Some clothes are very badly damaged and you may want them cleaned or not returned at all.

If a loved one who has died was in a vehicle, you can ask your police contact to check if any belongings are still in that vehicle (for example, in the boot or glove compartment of a car) and ask for these to be returned to you.

Sometimes belongings are kept temporarily by the Procurator Fiscal (see page 33) because they are needed as evidence for a criminal prosecution. Usually items are kept until the case is closed. However, if you want an item returning earlier, you can ask your police contact who can apply to the Procurator Fiscal. Sometimes it is possible for a piece of evidence to be photographed by the Procurator Fiscal and returned to you.

Visiting the crash site

If you were not in the crash, you may want to visit the place it happened. If you want to visit, your police contact can tell you the precise location if you do not know it and tell you any dangers such as parking problems, lack of pedestrian access or fast traffic. They may be able to accompany you to ensure your safety and answer questions you may have about the site.

If the crash site is far away and not accessible by public transport, your police contact or someone else may be able to drive you there. You may want them to do this if you do not drive, do not feel able to drive because of the shock, or you can't drive because your vehicle was damaged in the crash.

You may or may not want to leave flowers or some other token at the crash site. See page 31 for information on roadside memorials.

How did a loved one die?

If you were not in the crash yourself, you may or may not want to know the details of how a loved one died. You may want to know about medical treatment given at the roadside or in a hospital, and whether or not a loved one was conscious or unconscious during this treatment.

Sometimes it is possible to meet and talk to people who provided help at the crash site, such as a paramedic or a fire officer, or members of the public who provided first aid. If you want to do this, your police contact will be able to find out if this is possible. Alternatively, your police contact may be able to ask these people questions on your behalf.

If your loved one received treatment in a hospital before their death you can ask to talk to doctors who carried out this treatment, or ask your GP to find out the treatment given and explain it to you. You may also be able to obtain a copy of a medical report prepared by the hospital on treatment given. There may be a fee charged. A hospital doctor, or your GP, will be able to explain the report to you.

Why did the crash happen?

It is common to want to know straight away what happened. If it appears someone is to blame, you may want to know when and how they will be dealt with by the law. There will be an investigation into the crash by the police on behalf of the Procurator Fiscal (see page 33).

You can ask your police contact or the Procurator Fiscal questions at any time during the police investigation. They may not have much information at first and may not be able to tell you certain things until their investigation is complete, but will tell you as much as they can.

What happens to a vehicle involved in the crash?

If a person who died was in a vehicle or on a motorbike or bicycle, that vehicle or bike, and any other vehicles involved in the crash, will be examined by the police. The police examine vehicles involved in fatal crashes to find out if they were mechanically defective and to get more information about what happened in the crash.

Vehicles will be kept until the end of the police investigation and any resulting criminal prosecution. Sometimes, the police have to take vehicles apart to find out what happened. Your police contact can tell you where vehicles are being kept and what is happening to a vehicle. You may want to ask to see a vehicle. This should be possible.

You can pay for an independent examination of a vehicle if you or your solicitor (see page 24) think this is necessary. If you wish to do this, tell your police contact. A list of crash investigators is available from the website www.itai.org

Practical issues

Practical issues

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Registering a death

It is a legal requirement to register any death that occurs in Scotland with an official called a Registrar. A death must be registered within eight days.

A death can be registered with any Registrar in any part of Scotland. Your police contact, a doctor, or funeral director can give you the details of a Registrar. You can also find them in a telephone directory, under 'Registration of Births, Deaths and Marriages'. The Registrar can tell you what documents you need to bring with you when registering a death.

Once a death is registered, the Registrar will give you the following documents, free of charge.

- A certificate of registration of death to give to a burial ground or crematorium. A crematorium will need this certificate before a cremation can take place. A burial can legally take place without this certificate, but most burial grounds require it on, or before, the date of burial.
- A Social Security notification of death certificate, to complete and use in claiming or adjusting benefits (see page 26).
- An 'abbreviated' certificate of registration of death, which does not mention details such as the cause of death.

If you wish to, you can pay for a 'full' certificate of registration of death. You may need a full certificate to do certain things such as closing a bank account or letting an insurance company know about the death.

A booklet, *What to do after a death in Scotland*, provides more information on registering a death. It is available from most registry offices or by calling The Scottish Government on 0131 244 2193. You can also access a copy from the 'Publications' section of www.scotland.gov.uk. Information on registering a death is also available on the website of the General Register Office for Scotland www.gro-scotland.gov.uk

Informing a motor insurer

If a person who died was driving a vehicle then you, or someone on your behalf, needs to tell their motor insurance company that they have died. The police can give you basic details that the motor insurer requests, such as the details of another driver.

You do not have to tell a motor insurer what happened in the crash as this is the subject of a police investigation (see page 36). The motor insurer may offer you a solicitor. It is up to you whether you consult this solicitor or a different solicitor (see below).

Whether or not a person who died was driving a vehicle, you are advised to consult a solicitor of your choice as soon as possible. It may be possible, at no cost to you, to make a significant claim for compensation from the motor insurer of a vehicle that contributed to the crash (see pages 24 and 69).

Telling others

There may be people other than relatives and friends who need to be informed about a death quite soon. You can choose to tell these people yourself, or ask someone to do it for you. These people may include:

- employers. (If you are employed you may be entitled to immediate bereavement leave or be given permission to take your holiday entitlement now. Some employers, and trade unions, also have benevolent funds that provide support to families of employees who have died.);
- school, college or nursery. (Teachers can provide valuable support.);
- life insurance and pension companies. (The sooner you inform these companies, the sooner you can go ahead with any possible claims from these plans.);
- bank or building society;
- mortgage or loan provider;
- landlord;

- housing department (if a person who died was living in a council house);
- utility providers (for example, gas, electricity and phone) - particularly if a person who died lived alone;
- benefit providers (see page 26);
- HM Revenue and Customs (if a person who died paid tax);
- Passport Office (if a person who died had a passport);
- DVLA (if a person who died had a driving licence);
- social clubs attended by a person who died.

Stopping unwanted mail

You may find it upsetting to receive direct mail, email or sales calls for someone who has died. One way to reduce the chance of this is to register, for free, with The Bereavement Register. Call 0800 082 1230 or go to www.the-bereavement-register.org.uk.

You can also stop unwanted sales calls, mail and faxes by registering for free with the following:

- Telephone Preference Service (0845 070 0707 or www.tpsonline.org.uk)
- Mailing Preference Service (0845 703 4599 or www.mpsonline.org.uk)
- Fax Preference Service (0845 0700 702 or www.fpsonline.org.uk)

You may have to re-register with these services every few years.

The above services may not stop all unwanted correspondence, but will reduce the chance of it happening.

Arranging a burial or cremation

Arrangements for a body to be buried or cremated, and arrangements for any funeral service or gathering in their memory, are usually overseen by a close relative. If you are the person making arrangements, consider any instructions that the person who died left in a will (see page 25) or elsewhere, or told anyone. You may also want to consult other people who were close to the person who died. A cremation can only go ahead if close relatives do not object. If the person who died followed a religion, there may be religious practices to follow.

Making decisions at this time can be hard. You may find it easier to make decisions and share tasks with other close family or friends. People often have different views on what should be done, but discussing options and doing things together can help.

Using a funeral director

Many people arrange a burial or a cremation with the help of a funeral director. A funeral director's services can include, among other things, looking after the body prior to burial or cremation, providing you with a choice of coffins, shrouds or urns to buy, liaising with the burial ground or crematorium on your behalf and transporting the body.

If you decide to use a funeral director, and are considering which one to use, you may want to choose one who is a member of an association and follows a code of practice. The following associations provide lists of members:

- National Association of Funeral Directors
T: 0845 230 1343 W: www.nafd.org.uk
- National Society of Allied and Independent Funeral Directors
T: 0845 230 6777 W: www.saif.org.uk

Some people choose not to use a funeral director because they want to manage arrangements themselves. Some people choose to use a funeral

director only for certain things, such as looking after the body. You can get advice on managing arrangements yourself from the charity the Natural Death Centre. Go to www.naturaldeath.org.uk or call 01962 712 690.

Some people choose not to use a funeral director because arrangements are being managed by a faith leader.

Burial grounds

Your local authority or funeral director can provide you with lists of local cemeteries and church graveyards. Not all burial grounds will have available plots. The person in charge of the burial ground can tell you.

There are also an increasing number of woodland and meadow burial grounds. These are run by local authorities, private landowners and wildlife charities and provide a natural setting for burial while also using the land to grow plants and encourage wildlife. The Natural Death Centre (contact details above) provides a list of these burial grounds.

Ashes

If your loved one's body is being cremated, then their ashes can be scattered in a place of your choice or garden of remembrance, buried in a cemetery or graveyard, or kept by you.

Coffins and shrouds

Bodies can be placed in coffins made from a range of materials, including cardboard. Alternatively, if a body is to be buried, it can be wrapped in a shroud. You can buy coffins and shrouds from a funeral director, over the internet or make your own. There are rules governing the wrapping of bodies. If you are not using a funeral director, you can get advice from the Natural Death Centre.

Paying for a burial or cremation

You may be able to get help paying for all or some of the costs of a burial or cremation if:

- you are on a low income. (Ask your local benefits office as soon as possible whether the government can help you pay. You can also find information on www.direct.gov.uk);
- the person who died was signed up to a scheme providing payment for funeral costs. This scheme could be part of an employment package, a personal pension plan, or an insurance plan;
- the person who died had paid in advance for their own funeral through a payment plan. (If this is the case, the payment plan may only pay for the use of a particular funeral director.)

If you aren't eligible for this help, you should still keep receipts of costs in case you can claim them back later. You may be able to do this if someone is found to have been responsible for a death as part of a claim by you for compensation (see below and page 69).

Hiring a personal injury solicitor

You may or may not be able to claim significant amounts of money from the motor insurer of a vehicle that contributed to the crash. Even if a driver isn't charged with a traffic offence, money can sometimes still be claimed.

The only way to find out if you should make a claim is to consult a personal injury solicitor as soon as possible. You can ask a personal injury solicitor to meet with you for free to discuss your case. If it is agreed you should make a claim, your personal injury solicitor will start working on your case straight away, which can give your claim more chance of success and sooner. In many cases, you will not have to pay for your solicitor's work. Your solicitor can advise you on this.

For more information on claiming money, including contacting a personal injury solicitor, turn to page 69.

Wills

If you are the next of kin of an adult who died, or you have been appointed as their representative, you need to find out if they made a will. Copies of wills may be held by a bank or solicitor. They may also be registered publicly with Registers of Scotland. You can call 0131 659 6111 to find out. A will appoints someone (known as an executor) to administer a dead person's estate (everything they owned). It also gives instructions on how possessions and money should be distributed and may also include instructions about burial or cremation arrangements.

Wills can be complicated. Sometimes there is no will. Whether or not there is a will, a specialist solicitor will be able to give you advice on what you need to do. The Society of Trust and Estate Practitioners provides details of solicitors in Scotland who specialise in wills. Go to the website www.step.org or phone 020 7340 0500. Alternatively, you can ask the Law Society of Scotland for details of specialist solicitors (see page 69).

If you need advice about a will but have a low income and cannot afford to pay a solicitor, your local law centre can provide a free and independent legal service. You can find details of your nearest law centre at www.govanlc.com/salc

Using specialist solicitors

It is advisable to use a specialist solicitor. You may have used a solicitor in the past, perhaps to help you buy a house. However, a solicitor you already know may not be the best solicitor to help you with a will or a claim for money. You may find that your nearest specialist solicitor is some distance away. However, you can do a lot over the phone or by email.

Some people bereaved in road crashes don't want to travel far or often, for reasons to do with domestic commitments, the shock of the crash or fear of roads. Tell your solicitor if you do not want to travel. Some solicitors can visit you at home.

Benefits

Some people qualify for benefits after being bereaved by a road death. You may be able to claim benefits for all sorts of reasons, but claimants include some people whose partners have died, or who are bringing up children on a low income.

To find out if you can claim any benefits, contact your local benefits office or call the bereavement benefits helpline on 0845 608 8602. You can also go to the website www.direct.gov.uk for information on benefits. You can also contact your Citizens' Advice Bureau for free advice (see page 88).

If a person who has died was claiming benefits, such as a state pension, or if you were receiving benefits for them, such as child benefit, you need to let their benefits office know about the death and return any benefit books. You should do this using a Social Security notification of death certificate from the Registrar who registers their death (see page 19). This certificate should be sent to the relevant benefits office whether or not the person who has died was claiming benefits, or you were receiving benefits for them. The Registrar can give you guidance on where the certificate should be sent.

The Department for Work and Pensions in Scotland produces a guide to benefits that may be due to you after a death called *D49S - What to do after a death in Scotland: social security supplement*. You can ask for a copy in your local benefits office.

Debts

You may have worries about debt or managing your finances. If you have problems making loan repayments (such as a credit card or a mortgage) or paying bills (such as rent) it is a good idea, if it is not already too late, to tell the relevant organisations before payments become overdue.

You are unlikely to be able to arrange for a debt to be cancelled, but it may be possible to arrange a short break from payments or 'interest only' payments. If you need to borrow money, make sure you are being offered a competitive interest rate.

Try not to ignore bills or debts. If you do ignore them, you could eventually be taken to court. For advice on debt, call the national debt helpline on 0808 808 4000 or go to www.nationaldebtline.co.uk/scotland

If you find yourself in financial difficulties, contact your Citizens' Advice Bureau for free advice (see page 87) and talk to your personal injury solicitor (see page 69).

Your case in the media

Journalists from newspapers, radio or TV programmes often want to cover crashes and court cases. You cannot stop the media from reporting on your case or publishing your name and where you are from. Journalists may publish or broadcast stories about your case without talking to you, or they may phone you, knock on your door or approach you at a court hearing for a comment. They may ask you for a photograph or home video of someone who has died. They may ask to interview you or photograph you.

Different people feel differently about the media. You may feel grateful for media coverage, or dislike it, or feel disappointed that there isn't more media coverage. It is up to you whether you talk to journalists or not. You may decide to talk to journalists to help raise awareness of road safety, or to help find witnesses to the crash. You may find that you prefer to talk to some journalists but not to others. You may decide not to talk to journalists for personal reasons.

If you aren't contacted by journalists but want media coverage, you can contact them. You can ring up, email, or write to journalists. Alternatively, the police may be able to help you contact journalists (see next page).

Ask your police contact or your solicitor (see page 24) if there is anything you shouldn't talk about to journalists. If someone is accused of causing a death, it is important not to make comments that could create problems for a police investigation or a court case.

Police help with the media

Your police contact can help you to manage your relationship with the media, particularly in the first few days after the crash or around any court case.

The police should be able to:

- assist and guide you during any media exposure;
- help protect you from unwarranted media intrusion;
- forewarn you of any press releases issued by the police about your case.

A manual for police called the Road Death Investigation Manual recommends they provide this support to you, if required. You can download this manual from the 'policies' section of www.acpos.police.uk

The police often release their own media statements about crashes and resulting court cases and will be able to give these to you. Your police contact should be able to pass on to the media any written statement you want to make, any photograph you want to see published, or home video you want broadcast. In some cases the police also organise press conferences for bereaved families. This might happen at the end of a court case, or to appeal for witnesses.

Choosing a photo or home video

When choosing a photo or home video of someone who has died to pass on to the media, you may wish to consider how they would have wanted to be remembered. Your police contact can arrange for a photo to be altered if necessary – for example, taking a loved one's image from a group photo.

A few families have given the media a photo of a loved one's dead body, or of them critically ill in hospital before they died. They have done this as part of an appeal for witnesses or to explain to the public the horror of road crashes.

If you want to consider this, talk to your police contact. You can ask the media to use a photo for a specific purpose and on just one occasion, accompanied by specific words from you, and then ask for the photo not to be used again. You can release a photo to just one journalist or lots of journalists.

You are advised not to give original photos or home videos to the media in case they lose them. Newsrooms can be hectic, messy places. The police should be able to get copies made for you.

Being interviewed by a journalist

Being interviewed by a journalist can be hard, particularly if they are a stranger and they are asking you to talk about how you feel. It can also be particularly hard to do interviews that are being broadcast on radio or TV. If you decide to talk to a journalist, it can help to ask in advance what questions they want to ask, and to think in advance about what you might want to say. If you are doing an interview at a radio or TV station you might want to take a friend for support, or ask if the interview could be done at your home instead.

Making a comment or complaint about the media

If you are unhappy with a journalist's conduct or think that a journalist has published or broadcast something that is incorrect or unfair, you can make a complaint to the relevant publication or TV or radio station.

If you are complaining about a publication, address your complaint to the editor or publisher. If you are complaining about a TV or radio station, address your complaint to the director. Sometimes the media offers to print or broadcast an apology. A newspaper or magazine may offer to print a letter from you.

Journalists are governed by national codes of practice that require them to respect the privacy and feelings of bereaved people:

- The Press Complaints Commission code of practice governs newspaper or magazine journalists. To make a complaint if you think a newspaper or magazine journalist has broken this code, go to www.pcc.org.uk or phone 020 7831 0022.
- The Office of Communications code of practice governs TV and radio journalists. To make a complaint if you think a TV or radio journalist has broken this code, go to www.ofcom.org.uk or phone 020 7981 3000.

Some people bereaved by a road crash wish to campaign publicly for road safety. Page 78 gives details of organisations that can help you do this.

Roadside memorials

Some people bereaved in road crashes wish to place flowers and other memorials at the place where a loved one has died, in their memory. Some people see this as an important expression of their grief. You may or may not want to do this.

Many local authorities allow small temporary memorials such as flowers and cards, and, with permission, small permanent memorials such as a small plaque on a grass verge. However, some local authorities don't allow permanent or large memorials and some may restrict the length of time that flowers can be placed at the site of a crash.

If you want to place a permanent or large roadside memorial, it is important to talk to the highways department of the relevant local authority to find out what they allow.

You may want to ask your police contact, or one of the support agencies listed on page 16 of the yellow book in this pack, to talk on your behalf to your local authority about roadside memorials.

If cards or notes are placed by other people, you may want to ask your police contact to retrieve them after a period of time and give them to you.

If the crash happened abroad

If a loved one died abroad, there may be many added complications, such as language barriers and different legal procedures. Support is provided by British Consular staff based abroad at British embassies, High Commissions and Consulates, and in London in the Consular Directorate of the Foreign and Commonwealth Office (FCO).

If you haven't been told who you can speak to, you, or your police contact, can call the FCO on 020 7008 1500. Your police contact may be able to talk to these officials on your behalf if you want them to.

How British Consular staff can help

These officials can help you in several ways. They can:

- help arrange for a loved one's body to be returned to the UK or buried or cremated in the country in which they died;
- keep you informed about any procedures that local officials decide to carry out, such as a post-mortem examination or police investigation;
- pass on any concerns you have, for example if you want a death to be investigated and no investigation, or only a limited investigation, has taken place so far;
- put you in touch with support agencies.

British Consular staff cannot investigate deaths abroad themselves, nor give legal advice. Due to the added complications you may find it particularly helpful to consult a solicitor. See page 24.

More information is available at www.fco.gov.uk/travel

Paying for funerals abroad or bringing a body back

The Foreign and Commonwealth Office cannot pay any of your costs, such as funeral costs or the costs of transporting a loved one's body. However, it may be possible for you to claim back these costs as part of a claim for compensation (see page 69) or from an insurance policy, such as travel insurance. For this reason, it is important to keep receipts.

Investigation and criminal charges

Investigation and criminal charges

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The Procurator Fiscal

Procurators Fiscal investigate all sudden deaths. They are qualified lawyers and are employed by the Crown Office and Procurator Fiscal Service (COPFS). They are responsible for the following:

- instructing a post-mortem examination (see page 14);
- overseeing the police investigation (see page 36) and then deciding whether or not a criminal prosecution should go ahead, sometimes in partnership with senior lawyers called Crown Counsel (see page 38);
- helping decide whether a Fatal Accident Inquiry should happen (see page 65).

Once the Procurator Fiscal has considered the police report into a crash (see page 37), they may decide to interview witnesses and carry out further investigations. Once they are satisfied that the circumstances of the death have been fully investigated, they will decide the next step, which could include a criminal prosecution, or not.

Meeting the Procurator Fiscal

The Procurator Fiscal should write to the nearest relative of someone who has died to offer a meeting within six weeks of a sudden death. At this meeting any questions and concerns you have can be discussed.

The Procurator Fiscal should also meet with the nearest relative when their investigations into a death have finished. They arrange this meeting to happen before they write a report making a recommendation about whether any charges should be brought and, if so, what charges. In this meeting, you have an opportunity to state any views on charges that you feel should be brought (see page 41 for charges), or views on whether there should be a Fatal Accident Inquiry (see page 65).

The Procurator Fiscal can then put your views into their report. They cannot tell you the details of any charges that they are recommending.

Once a criminal charge or charges have been brought against someone for causing a death on the road, or a decision has been made to bring no charges, the Procurator Fiscal should meet with the nearest relative again to explain the decision.

If you want, a Victim Information and Advice officer can accompany you during meetings with the Procurator Fiscal (see next page). You can also take any family member or friend (unless they are cited as a witness (see page 54)).

The requirement of the Procurator Fiscal to meet with the nearest relative is laid down in the Crown Office and Procurator Fiscal Service's Book of Regulations. If you are not offered these meetings, talk to the Procurator Fiscal.

Contacting the Procurator Fiscal

Your police contact can tell you how to contact the Procurator Fiscal if you have not heard from them already. You may wish to write their contact details on the page at the front of this pack (see page 1).

The Crown Office and Procurator Fiscal Service produces leaflets including *What happens when a death is reported to the Procurator Fiscal and Criminal Proceedings and Fatal Accident Inquiries*. These leaflets are available from the Procurator Fiscal or from the website www.crownoffice.gov.uk

Victim Information and Advice (VIA)

If criminal charges are being considered by the Procurator Fiscal, and you are the nearest relative of a person who died, a Victim Information and Advice (VIA) officer will be assigned to provide you with information about what is happening.

VIA is a service provided by the Crown Office and Procurator Fiscal Service. Your VIA officer has direct access to information about your case.

If you have been assigned a police Family Liaison Officer (see opposite page 1) you will normally be introduced to a VIA officer in a meeting. At this time, your FLO will pass responsibility to VIA for giving you information. Your FLO will then withdraw from the case.

If you do not have an FLO, you may be introduced to VIA by another police officer or the Procurator Fiscal.

Your VIA officer:

- will provide information about the criminal justice process;
- will provide information about the progress of your case;
- can provide help up to the end of a criminal case, including any appeals;
- can help refer you, with your consent, to local and national organisations that provide counselling and support, if this is what you want;
- can arrange for you to be shown round the court before a hearing.

If you are not introduced to a VIA officer, this may be because someone else (a nearest relative) is receiving help from VIA. To find out if you are also able to receive help from VIA, you can call 0131 243 3027. If VIA cannot assist you, they will be able to refer you to other relevant agencies if you wish. For more information on VIA, go to www.copfs.gov.uk and click on 'victims of crime'.

The police investigation

A death on the road is investigated by the police on behalf of the Procurator Fiscal (see page 33). The police have a duty to try to find out what happened by gathering evidence, and then to submit this evidence to the Procurator Fiscal. A police investigation can take several months.

Giving a statement

The police may take statements from a number of different people. If you were involved in the crash, you saw the crash, or you saw vehicles prior to, or subsequent to, the crash, you may be asked to give a statement. If you were not involved in the crash, but knew the movements of a loved one on the day they died, you may be asked to give a statement too. This helps the police build up a picture of a person who has died. If you give a statement the police will write down and may record what you say.

Physical evidence

Crash investigation officers, who are specially trained police officers or employees of other specialist agencies, investigate a crash in order to identify the cause and obtain evidence. These experts may photograph, measure and video the site of the crash and examine vehicles involved (see page 18).

Medical evidence

Medical evidence may be provided by personnel who tended to a loved one at the scene of the crash or in hospital and by the pathologist who did the post-mortem examination. Evidence can include alcohol and drug tests.

If the crash involved someone driving for work

If the crash involved someone driving for work, an organisation called the Health and Safety Executive (HSE) may get involved in the investigation. HSE inspectors aim to identify any failure of the employer to ensure health and safety procedures were in place and followed. The investigation will usually be conducted jointly with the police and the police will be able to tell you if the HSE are involved. The HSE can take enforcement action against an employer. For more information about the HSE go to www.hse.gov.uk

Standards for police investigations into fatal road crashes are explained in a police manual called the Road Death Investigation Manual (see opposite page 1).

The police crash investigator's report

Once complete, the evidence is compiled into a report which is submitted to the Procurator Fiscal. The report is likely to contain many things, such as witness statements, reports by experts, photographs of the crash and maps of the crash site. You are not automatically entitled to, or shown, this report, but you may be able to get a copy of it or discuss its contents, often after any criminal proceedings are finished. If you wish to get a copy, or discuss its contents, ask the Procurator Fiscal. You may want to find out if it includes anything that you may find particularly distressing, such as photos. You can then decide if you want something taking out before you see the report.

If you are pursuing a claim for compensation (see page 70) your solicitor will usually obtain an 'abstract' report on your behalf as soon as possible. This provides only brief details of the crash and who was involved. Your solicitor may ask for an interview with police officers involved in the investigation. Your solicitor may also request extra evidence from the police report. Your solicitor may only be allowed to interview the police and obtain this extra evidence after any criminal proceedings are finished.

Precognition interviews

After the Procurator Fiscal receives the police report, they decide whether to 'precognosce' (interview) any witnesses as part of the investigation into the death. These interviews help them decide if criminal proceedings should be brought.

If you have evidence relevant to the investigation (for example, if you witnessed the crash or events leading up to it, or after it), you may be asked to attend a precognition interview with the Procurator Fiscal or a lawyer acting on behalf of someone involved in the crash. You should co-operate with any request to attend a precognition. Your contact details remain confidential. They cannot be given to a person who is accused of a crime.

It may be possible for a relative or friend to attend a precognition with you to offer support. You are not allowed to be accompanied by another witness and your supporter cannot participate in the interview. You can claim reasonable expenses for attending a precognition.

The decision to prosecute or not

If investigations indicate that the conduct of someone, or several people, or, in some cases, a company, amounted to a crime, the Procurator Fiscal may instruct the police to charge someone with a criminal offence.

The purpose of a criminal prosecution is to find out if someone has broken the law and to punish an offender. Whether or not a criminal prosecution happens depends on the circumstances of the crash and whether there is enough evidence to support a criminal charge. Sometimes several charges are brought. Sometimes no charges are brought.

The Procurator Fiscal will consider the law, the evidence and whether it is in the public interest for charges to be brought. The crime has to be recognised in Scottish law and there also has to be enough reliable and credible evidence that the crime was committed by someone.

If the Procurator Fiscal thinks a serious charge should be brought against someone, they send a report explaining their recommendation to senior lawyers called Crown Counsel. Crown Counsel will then tell the Procurator Fiscal which charge or charges to bring.

Some charges must be brought within certain time limits. The police or the Procurator Fiscal can advise you.

The possibility of bail

Someone who is being charged with an offence is often referred to as 'the accused'. An accused person will be issued with a document, sometimes called a complaint, petition or indictment, that tells them to appear in court to answer the charge. Before their court appearance, an accused person may be remanded in custody (imprisoned) or granted bail (allowed to remain free before their case is heard).

The accused will be granted bail unless the court has good reason to believe that they:

- may not attend a court appearance;
- may commit another offence;
- may interfere with witnesses;
- may obstruct the course of justice, for example by running away.

People on bail are required to:

- turn up, when required, to court hearings;
- comply with the law;
- not interfere with witnesses or obstruct the course of justice;
- make themselves available to the court as and when necessary;
- (from April 2011) take part, as reasonably requested by the police, in identification parades and provide prints, impressions or samples.

Conditions may be attached to bail, such as limiting where the accused can live, or preventing them coming near you or your home or near someone else.

The accused person may apply for bail at different stages of the case, even if it has been refused earlier.

A bailed driver is allowed to continue driving (unless they do not have a valid licence) until their case is heard in court. It may or may not be possible to disqualify them then, depending on the charge brought.

If bail is refused, the accused may appeal. If bail is still refused on appeal, the accused can ask for the decision to be reviewed, but only if there is good reason. If bail is granted, the prosecution may, in certain circumstances, appeal against the decision.

If the accused is granted bail and their behaviour while on bail causes you concern, for example you see them driving in a way that you consider dangerous, or if they make contact with you and threaten you, report it immediately to the police, VIA or the Procurator Fiscal.

VIA should inform the nearest relative of any bail decision.

If the accused is remanded in custody their court hearing must start within certain time limits. You can get more details from the Procurator Fiscal.

Changes to charges

Sometimes, if a serious charge is being brought by the Procurator Fiscal, the lawyers representing the accused ask the Procurator Fiscal for the charge to be reduced to a less serious charge on the basis of the evidence of the case. This is called 'plea negotiation' and usually happens before a case goes to trial.

The Procurator Fiscal may decide to continue prosecuting the accused for the serious charge, or may reduce the charge. Their decision is based on the law, the evidence and what is in the public interest. It may include factors such as the availability of witnesses.

Criminal charges that may follow a death on the road

The following pages explain criminal charges that sometimes follow a death on the road and maximum penalties.

'Causing death by dangerous driving' *Section 1 of the Road Traffic Act 1988 (as amended by the Road Traffic Act 1991, s.1)*

The law states that: 'A person who causes the death of another person by driving a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.'

The definition of dangerous driving is that:

- a) the way a person drove fell far below what would be expected of a competent and careful driver; and
- b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.

It is also dangerous driving if it would have been obvious to a competent and careful driver that driving a vehicle in its current state (for example, with defective brakes or other safety-critical components) would be dangerous.

This charge is usually heard in the High Court but in some circumstances may be heard in a Sheriff Court. The maximum prison sentence is 14 years at the High Court or five years at a Sheriff Court. Both courts may impose an unlimited fine. Anyone convicted must be disqualified from driving for a minimum period of two years and their licence endorsed with three to 11 penalty points. The convicted person must take an extended driving test before they can regain their licence.

'Causing death by careless or inconsiderate driving' *Section 2B of the Road Traffic Act 1988 (as amended by the Road Safety Act 2006, s. 20)*

The law states that: 'A person who causes the death of another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.'

The law distinguishes between 'dangerous' driving and 'careless or inconsiderate' driving. The definition of careless and inconsiderate driving is that the standard of a person's driving fell below (rather than far below) what is expected of a careful and competent driver.

This charge can be heard before a jury in the High Court or a Sheriff Court. In those circumstances, the maximum penalty is a prison sentence of five years and an unlimited fine. The charge can also be heard by a Sheriff, without a jury, in a Sheriff Court. Here, the maximum penalty is a prison sentence of six months and a fine of £5,000. The driver must be disqualified for a minimum period of one year and their licence must be endorsed with three to 11 penalty points.

'Causing death by careless driving when under the influence of drink or drugs' *Section 3A of the Road Traffic Act 1988 (as amended by the Road Traffic Act 1991, s.3)*

The law states that: 'If a person causes the death of another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, and s/he is, at the time when driving, unfit to drive through drink or drugs, or s/he has consumed so much alcohol that the proportion in his/her breath, blood or urine exceeds the prescribed limit, or s/he refuses to submit a specimen, s/he is guilty of an offence.'

The offence is committed if the driver has more than the legal limit of alcohol or refuses to provide a specimen. This means the police do not necessarily have to show a person's driving ability was impaired, only that he or she had more than the permitted amount of alcohol.

This charge is usually heard in the High Court but in some circumstances may be heard in a Sheriff Court. The maximum prison sentence is 14 years at the High Court or five years at a Sheriff Court. Both courts may impose an unlimited fine. Anyone convicted must be disqualified from driving for a minimum period of two years and their licence endorsed with three to 11 penalty points. The convicted person must pass an extended driving test to regain their licence.

'Causing death by driving: unlicensed, disqualified or uninsured drivers' *Section 3ZB of the Road Traffic Act 1988 (as amended by the Road Safety Act 2006, s. 21)*

The law states that: 'A person is guilty of an offence if he causes the death of another person by driving a motor vehicle on a road and, at the time when he is driving, the circumstances are such that he is committing an offence under -

- (a) section 87(1) of this Act (driving otherwise than in accordance with a licence),
- (b) section 103(1)(b) of this Act (driving while disqualified), or
- (c) section 143 of this Act (using a motor vehicle while uninsured or unsecured against third party risks).'

This offence can be heard before a jury in the High Court or a Sheriff Court. In those circumstances, the maximum penalty is a prison sentence of two years and an unlimited fine. The charge can also be heard by a Sheriff, without a jury, in a Sheriff Court. Here, the maximum penalty is a prison sentence of six months and a fine of £5,000. The driver must be disqualified for a minimum period of one year and their licence must be endorsed with three to 11 penalty points.

Murder and culpable homicide charges

Common Law

It is possible to charge someone with murder or culpable homicide if their driving has killed. Murder is committed when there was intention to kill a victim or the accused's conduct was 'wickedly reckless'. A charge of murder may, for example, be brought if someone used a vehicle as a weapon with an intent to kill. Culpable homicide is committed when the accused caused loss of life through wrongful conduct, but there was no intention to kill nor 'wicked recklessness'.

Murder and culpable homicide charges are heard in a High Court. Murder carries a mandatory sentence of life imprisonment.

Corporate homicide

Corporate Manslaughter and Corporate Homicide Act 2007

The law states that: 'An organisation is guilty of an offence if the way in which its activities are managed or organised: (a) causes a person's death, and (b) amounts to a gross breach of a relevant duty of care owed by the organisation to the deceased.'

A 'duty of care' is defined as a duty owed by an organisation to its employees or contractors, a duty owed as the occupier of premises, or duties described in law that relate to the running of the organisation.

An organisation is guilty of a 'gross breach' of a relevant duty of care if its conduct fell far below what would be reasonably expected.

This charge is heard in the High Court. Any penalty is against the company, not individuals working for the company. The court may impose an unlimited fine. The court may also impose a remedial order (where an organisation must make changes to prevent future breaches of health and safety laws) and a publicity order (where an organisation must publicise the details of its offence).

Charges for killing someone by using a defective vehicle

If an unsafe vehicle (for example, a vehicle with defective brakes) has caused a death, then a charge, or range of charges, depending on the case, may be brought against the driver, the owner of the vehicle if different (for example, the boss of a company running a fleet of vehicles), or anyone else considered responsible.

It may be possible, for example, to bring charges of causing death by dangerous driving (see page 41), 'art and part' (see page 50), or corporate homicide (see page 45).

There may be a charge of failing to comply with construction and use regulations. These impose requirements relating to safety critical components such as brakes, tyres, steering, tachographs (which record driving time of commercial vehicles) and speed limiters (that restrict speed on commercial vehicles).

Breaches of construction and use regulations are heard in either a Justice of the Peace Court or Sheriff Court. There are a range of maximum fines, the most severe of which is £5,000.

If the vehicle was a lorry, bus or coach, then the person in charge of the company that ran the vehicle may be stripped of their licence to operate such vehicles. The official who decides whether or not to do this is called the traffic commissioner (see page 85). It may also be possible to disqualify a company boss from running any company.

Charges that do not mention death or injury

The following charges do not mention death or injury, but are sometimes brought against a driver who was involved in a fatal crash:

- **Dangerous driving** *Section 2 of the Road Traffic Act 1988 (as amended by the Road Traffic Act 1991, section 2); and*
- **Careless driving** *Section 3 of the Road Traffic Act 1988*

In some cases, there is evidence that a driver was driving dangerously or carelessly before or after the crash, but there is no evidence that this dangerous or careless driving caused the death. In these cases it may only be possible to bring charges of dangerous driving or careless driving, rather than the more serious charges of 'causing death by dangerous driving' or 'causing death by careless or inconsiderate driving'.

The charge of dangerous driving can be heard before a jury, usually in a Sheriff Court. In those circumstances, the maximum penalty is two years' imprisonment or an unlimited fine or both. The charge can also be heard by a Sheriff without a jury in a Sheriff Court. In this case, the maximum penalty is 12 months' imprisonment or a £5,000 fine or both. The driver must be disqualified from driving for a minimum of one year unless there are special reasons to impose a shorter disqualification or no disqualification. The driver must pass an extended driving test before they can regain a full driving licence.

The charge of careless driving is heard in a Sheriff Court without a jury. The maximum penalty is a fine of £2,500. The driver can be disqualified from driving. If not, their licence must be endorsed with three to nine penalty points.

Failing to stop or report an accident (often called hit and run) *Section 170(2) and Section 170(3) of the Road Traffic Act 1988*

A driver involved in a crash causing death or injury is required to stop at the scene and give their details. If they don't, they are required to report the crash to a police officer 'as soon as reasonably practicable' and within 24 hours. This offence is committed if a driver doesn't do this.

This charge is usually heard in a Sheriff Court. The maximum sentence is six months' imprisonment or a £5,000 fine or both. The driver's licence must be endorsed with five to ten penalty points and the court may disqualify them.

Taking and driving away

Section 178 of the Road Traffic Act 1988

The law states that: 'A person who in Scotland takes and drives away a motor vehicle without having either the consent of the owner of the vehicle or other lawful authority, or knowing that a motor vehicle has been so taken, drives it or allows himself to be carried in or on it without such consent or authority, is guilty of an offence.'

This charge can be heard before a jury in a Sheriff Court or the High Court. The maximum penalty is a prison sentence of three months in the Sheriff Court or 12 months and an unlimited fine in the High Court. Anyone convicted must be disqualified from driving for a minimum of one year and their licence endorsed with eight penalty points.

Driving otherwise than in accordance with a licence

Section 87(1) of the Road Traffic Act 1988 (as amended by the Road Traffic Act 1991, s.17)

A person commits this offence if they drive when they do not hold a driving licence, or if they do not comply with the conditions of their licence.

The maximum sentence is a £1,000 fine. In some circumstances, the driver's licence may be endorsed with three to six penalty points, or the court may disqualify them.

Driving while disqualified

Section 103 of the Road Traffic Act 1988

If a person drives while disqualified from driving they commit this offence. A person may also be charged with this offence instead of 'Driving otherwise than in accordance with a licence' (see above) if they do not comply with the conditions of a provisional licence gained after a period of disqualification.

The charge can be heard before a jury in the High Court or Sheriff Court. In those circumstances, the driver can be sentenced to 12 months' imprisonment, or an unlimited fine, or both. The charge can also be heard by a Sheriff, without a jury, in a Sheriff Court. Here, the maximum penalty is 12 months' imprisonment, or a £5,000 fine, or both.

Driving without insurance

Section 143(1)(a) of the Road Traffic Act 1988

If a person drives a vehicle on a road, or any other public place without motor insurance, they have committed this offence.

The maximum sentence is a £5,000 fine. The driver's licence must be endorsed with six to eight penalty points and the court may disqualify them.

Art and part

Common law

Someone who encourages another person to commit an offence may also be guilty of having been 'art and part' in that offence. For example, if a passenger in a vehicle encouraged the driver to drive dangerously, the passenger may also be guilty of driving dangerously.

This can also apply in the case of a company that uses drivers (such as a lorry or bus operator) and allowed those drivers to drive dangerously, or use vehicles in a dangerous condition. The company, or a manager within the company, may be charged.

Generally the same penalties apply, although length of licence disqualification may differ.

Bringing a private prosecution

It is sometimes possible for a member of the public, rather than the Procurator Fiscal, to prosecute another person for a criminal offence. This is called a private prosecution and very rarely happens. The process is very costly and you cannot claim legal aid. You will need sufficient evidence in law that a crime has been committed and the consent of the Lord Advocate (see page 69).

Court procedures

Court procedures

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Attending court

The Procurator Fiscal or Victim Information and Advice should inform the nearest relative of the dates of any court hearings in writing. If you don't hear anything and you want to know if a court hearing is happening soon, talk to your police or VIA contact.

Criminal cases and appeals are nearly always held in public. This means that, if you want to, you can attend. The information below may help you decide if you want to attend or not, and help prepare you if you do decide to attend.

Support in court

If you decide to attend a court hearing, it may help to have support. There is no limit on the number of friends or family who can go with you, although there will be restrictions on the number of seats available in the public gallery (see below).

You can also access information and support in court from two services listed below. (These services are not available in Justice of the Peace Courts.)

Victim Information and Advice (see page 35) can help you understand procedures that take place in court and what happens in your case. An officer from VIA can meet you when you attend court. They won't sit in court with you, but the Witness Service (see below) can provide support throughout a trial. VIA will aim to be present in court for any plea or verdict, so they can explain it to you afterwards.

Victim Support Scotland is a charity, supported by The Scottish Government, providing emotional and practical advice and support to victims and witnesses of crime. This help is free and confidential. Victim Support Scotland provides the Witness Service, based in every High Court and Sheriff Court. You don't have to be a witness to use this service. Staff and trained volunteers support you through the process of attending court

and, if you are a witness, giving evidence. They are also able to arrange an accompanied visit to the court before the hearing, so you can familiarise yourself with a court room and court facilities. Many people find this helpful.

The police or your Victim Information and Advice officer will be able to put you in touch with Victim Support's Witness Service. Alternatively, call the Victim Support Scotland helpline on 0845 603 9213 and a VSS worker will contact your local service on your behalf.

Knowing the facilities at court and special facilities for you

Many people have never been in a court house. An accompanied visit to court with the Witness Service or VIA, on a day prior to the hearing, can help familiarise you with court rooms and facilities such as the toilets and any café (see above). Some courts are modern and have good facilities. Others have few.

Many people worry about seeing the accused or their friends around the court house on the day of a hearing. If the accused is on bail they will be free to use court facilities just like you. The Witness Service or VIA may be able to provide you with special facilities that are separate to those used by the accused or their friends. For example, there may be a quiet room where you can sit and wait before or during a hearing. There may be a different entrance and exit you can use.

If you have concerns about attending court, speak to your Witness Service or VIA contact.

Where you can sit in the court room

In the court room you, as well as friends of the accused and any journalists, can sit in the public gallery. (If you are a witness, you will not be able to go in until you have given evidence.) VIA or the Witness Service may be able to arrange for you to sit in a different part of the gallery to any friends of the accused.

What you may see and hear, and how you may feel

Evidence is presented in court for the benefit of the judge and jury. Sometimes you may not be able to see evidence being discussed (such as diagrams or videos). If you can see evidence, some of it may be particularly upsetting. You may also strongly disagree with some things said in court by a lawyer for the accused.

If you think you may get upset and need to leave the court room, you can. You are allowed to leave and re-enter a court room quietly. While you are in court, you are required to sit quietly and not talk, eat or drink.

Understanding what is happening in court

When the court has breaks, for example at lunchtime, VIA will aim to answer any of your questions about what is happening in court.

Court room changes and delays

Sometimes the time of a court hearing is changed, or even postponed to another day. Sometimes a court hearing is moved to another room. Some people find these changes bewildering or frustrating. VIA will aim to keep you up to date with what is going on.

Victim statements

If a case was reported to the Procurator Fiscal on or after 1 April 2009 and is being heard in the High Court or before a Sheriff and jury, up to four close relatives of a person who died may be asked whether or not they want to make a victim statement. This gives them an opportunity to explain in writing how the crime has affected their lives.

If you are one of these relatives, the Procurator Fiscal or VIA should give you an information pack which explains what you can include and who can help you prepare your statement. If you are not given this pack you can ask the Procurator Fiscal or VIA for more information.

If you make a victim statement and an accused person is found guilty by trial or pleads guilty, your victim statement will be given to the court, including the defence lawyers. Your victim statement will be considered by the Judge before the accused is sentenced.

Victim statements will not normally be read out in court. You do not have to make a victim statement. If you choose not to, information about the impact of the crime can still be explained in court.

More information including details of who can make a victim statement is available in a booklet, *Making a victim statement*. Go to www.scotland.gov.uk click on 'Publications' and enter the keywords 'victim statement' to download a copy.

If you are asked to be a witness in court

In certain cases a person who is bereaved by a road crash may be 'cited' as a witness to give evidence in court (asked to be a witness in court). If you are, the Procurator Fiscal will give you a letter and booklet called *Being a witness*. You may be eligible for special measures to help you give evidence (see below). You can download the *Being a witness* booklet from www.copfs.gov.uk. Click on 'witnesses'.

Special measures for vulnerable or intimidated witnesses

Being a witness in court is a new experience for most people. As a witness, you may feel vulnerable for reasons to do with the circumstances of the case, the evidence you have to give, or your health or age. You may feel so distressed at the thought of giving evidence that you feel vulnerable.

You can discuss any concerns you have with the person who cited you or your VIA Officer. They can give you information about the court process and support arrangements to help you be better prepared for giving evidence. They can also discuss your circumstances and whether to make an application to the court for 'special measures' to help you give evidence.

Special measures generally apply to:

- all child witnesses under the age of 16;
- adult witnesses where there is a significant risk that the quality of their evidence will be affected (diminished) because of mental disorder, fear or distress in connection with giving evidence.

The special measures available are:

- screening, so you cannot see the accused, and they cannot see you;
- using a live television link so you can give evidence away from the courtroom;
- having a support person to keep you company before you give evidence and provide a reassuring presence in the court room while you give evidence. (They can't discuss your evidence with you. If they are also a witness in the case, they can't support you until they have given evidence.);
- using a statement you have already given as your main evidence. This is a video or audio interview between you and the police, or a written statement. It will be played or read out in court;
- in certain limited circumstances, having your evidence taken by a judge, lawyer or other suitable person at a different time or place. The evidence you give will be recorded and played at the trial.

These special measures may be used on their own or in combination.

Child witnesses under the age of 16 are usually entitled to standard special measures to help them give evidence. These are the use of a live television link or the use of a screen and the presence of a supporter.

The person who cited you as a witness has to ask the judge if you can use special measures. The judge may or may not approve this request.

The person who cited you as a witness or VIA will be able to tell you how special measures might apply to you. They can let you have a booklet that explains these measures in more detail. They can also show you a CD-ROM or DVD about going to court, who you are likely to meet there and what they do, and how the special measures work.

If you are required to give evidence in court, advice and support is available from VIA and the Witness Service (see page 51).

Preliminary hearings and intermediate diets

A prosecution may start with one or more short hearings, which don't usually include witnesses being called, before the main trial goes ahead. These short hearings have several purposes, including giving the lawyers an opportunity to raise and discuss legal arguments that may affect the case and to discuss the availability of witnesses. These hearings aim to help a trial proceed smoothly without unnecessary delays. These hearings are called a preliminary hearing (in the High Court) or a first diet (in a Sheriff Court under solemn procedure) or an intermediate diet (in a Sheriff or Justice of the Peace Court under summary procedure).

What happens in a Sheriff Court or the High Court?

Serious criminal charges following a death on the road are heard in a Sheriff Court or the High Court. The most serious charges are heard in the High Court. If an accused person pleads guilty to a charge, the Sheriff (in a Sheriff Court) or the Judge (in the High Court) passes sentence, or chooses to sentence at a later date.

If an accused person pleads not guilty, then the case will go to trial. High Court trials are heard in front of a jury of 15 members of the public. Sheriff Court trials are sometimes heard in front of a jury.

If a trial is being held in front of a jury (called solemn procedure), and if it takes more than a day, then the trial is likely to occur on consecutive days. If a trial is being heard without a jury (called summary procedure and often the case in a Sheriff Court) and it takes more than a day, it may be heard on several days spaced over several weeks.

The evidence for the prosecution is presented by the Procurator Fiscal if the case is being heard in a Sheriff Court, or by an Advocate Depute if the case is being heard in the High Court.

The evidence for the accused person is presented by a defence lawyer. Both sides may call witnesses to give evidence. Witnesses may include eye

witnesses and expert witnesses such as police crash investigators. Both sides may present physical evidence, such as photographs or diagrams. The Procurator Fiscal, the defence lawyer, and the Sheriff or Judge can all question witnesses. The accused person can choose not to give evidence.

After the evidence has been presented the Procurator Fiscal and the defence lawyer give speeches to sum up the evidence. These speeches are intended to help the jury (or the Sheriff if there isn't a jury) decide whether the accused is guilty. If there is a jury, the Sheriff or Judge will also give a speech on the law to help the jury to reach a decision. For a guilty verdict, there must be at least eight votes for guilty.

To get a guilty verdict, it is up to the Procurator Fiscal to prove the case 'beyond reasonable doubt'.

After the verdict has been decided, the Sheriff or Judge then decides the sentence, or chooses to sentence at a later date (see page 59). Sometimes a Sheriff believes the accused should receive a higher sentence than they are able to impose in a Sheriff Court, and refers the accused to the High Court for sentencing.

What happens in a Justice of the Peace Court?

Less serious criminal charges are heard in Justice of the Peace Courts. In many instances Justice of the Peace Courts are held in buildings that also house a Sheriff Court.

Charges in Justice of the Peace Courts are heard by a Justice of the Peace (a trained member of the public) who sits with a legally-qualified clerk. In Glasgow, cases can be heard by a Stipendiary Magistrate who is a professional lawyer with at least five years' experience. The court is then called a Stipendiary Magistrate Court.

Procedures in a Justice of the Peace Court or Stipendiary Magistrate Court are similar to those in a Sheriff Court (see opposite). There is no jury.

If an accused person pleads guilty, the Justice of the Peace or Stipendiary Magistrate decides the sentence. If an accused person pleads not guilty, the case goes to trial and the verdict and sentence (if the verdict is guilty) is decided by the Justice of the Peace or Stipendiary Magistrate.

Justices of the Peace and Stipendiary Magistrates have different sentencing powers. Justices of the Peace can impose fines or prison sentences of up to 60 days. Stipendiary Magistrates can impose fines or prison sentences of up to 12 months.

Victim Information and Advice (see page 35) will be able to explain to you what is likely to happen at a planned hearing, how a case is progressing and the reasons for any delays.

If the accused is under the age of 16

If a child under the age of 16 is charged with certain offences they may be considered for prosecution by the Procurator Fiscal through the normal courts. Alternatively, their case may be referred to someone called a Reporter who works for the Scottish Children's Reporter Administration.

The Reporter may decide that no action is necessary or may arrange for a Children's Hearing. A Children's Hearing is heard in front of three trained volunteers from the community. In many cases, a Children's Hearing rules that a child should continue to live at home but under the supervision of a social worker. However, it also has the power to send a child to secure accommodation or electronically tag a child.

For more information go to www.childrens-hearings.co.uk

The verdict

At trial there are three verdicts open to the jury: guilty; not guilty; and not proven. If the verdict is not guilty or not proven, the accused goes free and cannot be tried on the same charges again.

Sometimes an accused person changes their plea to guilty during a trial. Sometimes they plead guilty to a lesser charge.

Sometimes an accused person who is tried for a serious charge is found not guilty of that charge but guilty of a lesser charge.

Pleas in mitigation and background reports

Before an accused is sentenced, their lawyer will advise the Judge about any factors that they think might reduce the sentence, such as an offender's stated remorse. This is called a 'plea in mitigation'.

The Judge may also ask for background information about the offender. This is required if the offender hasn't been to prison before, or is under the age of 21, or is serving a community sentence. The Judge may delay sentencing to a later date so this background information can be provided and the Judge can give further thought to the sentence.

Sentencing

Judges, Sheriffs, Stipendiary Magistrates and Justices of the Peace are independent and decide sentences. The prosecuting lawyer and any jury do not. However, there are a number of constraints on sentencing.

The following things may be considered when sentencing:

- whether the offender pleaded guilty or not. If the offender pleaded guilty, then the judge is required by law to consider reducing the sentence. This is called a sentence discount. The amount of discount may depend on when the offender pleaded guilty. A sentence may be discounted by an amount that is normally no more than a third of the sentence that would otherwise have been imposed if the case had gone to trial. The judge should say how much the sentence has been discounted;

- the level of sentences in similar cases in the past. This is called 'case law';
- the powers of the court. Different courts can sentence up to different levels. Government can change these levels over time. To find out the maximum sentence that a court can impose, talk to your VIA officer;
- any 'pleas in mitigation' or background reports (see page 59);
- whether a warning, community sentence (see below) or fine are appropriate rather than prison.

A court will rarely impose the maximum penalty and sometimes imposes a much lower penalty. If you don't understand the basis for a sentencing decision, talk to your VIA officer or the Procurator Fiscal who can help explain what has happened.

Community sentences

Sometimes an offender is given a community sentence rather than a prison sentence, meaning they have to serve their sentence in their community.

An offender may be given a Community Payback Order which could require them to do one or more different things including:

- up to 300 hours of unpaid manual work in the community;
- attending a specialist programme to address behavioural problems;
- paying money (in compensation) to those affected by their crime;
- behaving well (complying with conduct requirements);
- being subject to supervision for a period of six months to three years.

If the offender has mental health, drug or alcohol abuse problems and was sentenced in a Sheriff Court or High Court there can also be a requirement that the offender receives supervised treatment and their progress over time reviewed.

Community Payback Orders can be applied if the offence was committed on or after 1 February 2011. Slightly different orders can be applied if the offence was committed earlier (under probation or Community Service Orders).

An offender may also be given a Restriction of Liberty Order which means they are electronically tagged and required to remain in a named place for a number of hours a day for up to a year.

More information about community sentences is available on www.scotland.gov.uk

Appeals by an offender

Following a criminal case a convicted person may appeal against their conviction or sentence. They can also apply for bail and in some cases may be released while waiting for the appeal.

If the case was heard in a Justice of the Peace Court or a Sheriff Court under 'summary procedure'

An appeal after a conviction in the above cases will be heard in the Appeal Court by three Judges. The court of criminal appeal sits in Edinburgh.

If the accused pleaded guilty and is appealing against their sentence, the court may confirm the original sentence or impose a different sentence (which may be higher or lower).

If the accused was found guilty by trial and is disputing their guilt, the court may consider points of the law that the accused thinks were not properly considered at the original trial. The court decides whether to uphold or quash the conviction. If the court upholds the conviction, it then decides on a sentence.

If the case was heard in a Sheriff Court under 'indictment' or 'solemn procedure', or in the High Court

If the accused pleaded guilty, they can appeal against the sentence. The appeal may be heard in the Appeal Court by two Judges. The court is able to impose a higher or lower sentence.

If the accused was found guilty by trial, they can appeal against the conviction or sentence or both. The appeal is heard by three Judges. The court may refuse or allow the appeal. If the appeal is allowed, the court may order a retrial or may acquit the accused.

Appeals by the prosecution

The prosecution can appeal to the Appeal Court against a sentence, but only where it considers the sentence to be 'unduly lenient'. If you are unhappy with a sentence passed, tell the Procurator Fiscal as soon as possible. They can tell you whether they plan to lodge an appeal.

The prosecution cannot usually appeal against a 'not guilty' or 'not proven' verdict. However, if a judge has made a decision under solemn procedure (see page 56) to acquit someone without a trial by jury, for reasons such as a lack of evidence or inadmissible evidence, then it may be possible for the prosecution to appeal this decision.

When can appeals be lodged?

In solemn procedure cases an accused is required by law to lodge a notice of intention to appeal within two weeks. In summary procedure cases appeals must be lodged within one week. The High Court has the power to extend these periods.

Appeals against a sentence by the prosecution must be lodged within 28 days.

If you are the nearest relative Victim Information and Advice (see page 35) will be able to tell you if there is an appeal. They can tell you if someone is granted bail before an appeal, the date of an appeal, its progress and its outcome.

You can attend all appeals and take friends, family or support workers.

Will a prisoner serve their whole sentence?

If a prisoner is sentenced to less than four years in prison, they will be released after serving half their sentence.

If a prisoner is sentenced to four or more years in prison, they may be released after serving half their sentence. The Parole Board for Scotland decides whether or not to release a prisoner at this stage, and any conditions attached to their release. If the Parole Board for Scotland decides a prisoner should stay imprisoned their release may be considered again at a later date. The prisoner will automatically be released after serving two thirds of their sentence.

To release a prisoner before their full term, the Parole Board must be satisfied that the prisoner no longer presents an unacceptable risk to public safety. It considers the following factors:

- nature and circumstances of the offence;
- conduct while imprisoned;
- likelihood of committing an offence if released; and
- what the prisoner intends to do when released.

If an offender is released and they break a condition of their release (for example, if they commit another driving offence) they may have to go back to prison.

For more information about the Parole Board for Scotland, go to www.scottishparoleboard.gov.uk

The Victim Notification Scheme

If an offender is sentenced to 18 months or more in prison, then up to four close relatives of a person who died can choose whether or not they want to register with the Victim Notification Scheme. This scheme has two parts and you can choose to receive information about either or both parts.

Part one entitles you to information about:

- when the prisoner is to be released;
- the date of their death if they die before being released;
- the date of any transfer to a place outside Scotland;
- their eligibility for temporary release (for example, for training programmes or home leave);
- them escaping or absconding from prison;
- their return to prison for any reason.

Part two entitles you to information about decisions regarding parole or release of the prisoner on Home Detention Curfew (sometimes known as tagging), including:

- when the Parole Board for Scotland is due to consider the prisoner for release, and giving you the chance to give your opinion;
- when the Scottish Prison Service is considering the prisoner's release on Home Detention Curfew, and giving you the chance to give your opinion;
- any recommendations or decisions by the Parole Board for Scotland regarding the release of a prisoner;
- conditions attached to the prisoner's release that relate to you or your family (for example, if they must not contact you).

If you are eligible for the scheme VIA should send you a booklet about it and a form to fill in which you send to the Scottish Prison Service (SPS). If you are not sent a booklet and form, you can contact VIA to check whether you are eligible. If you don't register with the scheme straight away, you can still do so later (as long as it is before the prisoner is due to be released). If, after registering, you decide to opt out of the scheme, you can write to the Scottish Prison Service to let them know. You should also tell them if you change address.

You can find out more about the Victim Notification Scheme from the Scottish Prison Service on 0131 244 8670 or at www.sps.gov.uk. There is a leaflet about the scheme on the website www.victimsofcrimeinscotland.org.uk

Fatal Accident Inquiries (FAI)

A Fatal Accident Inquiry (FAI) is a public hearing in front of a Sheriff, usually at the Sheriff Court nearest to where the death happened.

Will an FAI happen in my case?

An FAI can happen following a road death, but only in certain cases.

The purpose of an FAI is to establish whether a death could have been prevented and whether any action is needed to protect the public from danger in the future.

The circumstances under which an FAI should be held are defined in the 1976 Fatal Accidents and Sudden Deaths Inquiries (Scotland) Act. The Act says that an FAI will be held into all deaths resulting from 'accidents in the course of employment or occupation'. An FAI may also be held 'where a death was sudden, suspicious or occurred in circumstances that give rise to serious public concern and where it appears to the Lord Advocate to be in the public interest to hold an inquiry into the circumstances'. This is called a 'discretionary' FAI.

If a death on the road raises particular concerns about public safety, for example if there is concern that a procedure or a system has contributed to a death, an FAI may be held. An FAI may be held, for example, if an employer told a driver to drive dangerously, or didn't have systems in place to stop a driver driving dangerously, or if a poor road layout or road signage contributed to a crash.

Unlike a criminal trial or a civil case, an FAI's primary purpose is to determine what caused a death, and not to apportion blame, punish, or seek compensation.

If there is a criminal trial, and it is deemed that all the necessary questions are answered by that trial, it may be decided that an FAI is unnecessary.

Who decides if an FAI should be held?

If the Procurator Fiscal thinks there should be an FAI, they should have a meeting with the nearest relative. If you are invited to a meeting, you may wish to consult a solicitor (see below) to help you plan what you want to say. The Procurator Fiscal then writes a report that includes your views on the holding of an FAI.

This report is then sent to senior lawyers called Crown Counsel. Crown Counsel then decide if there should be an FAI or not. The final decision then lies with the Lord Advocate. The Lord Advocate is the Government Minister responsible for criminal prosecutions in Scotland.

The Procurator Fiscal is required to tell the next of kin or nearest relative if an FAI is going to happen or not and the reasons why. The Procurator Fiscal is required by their Book of Regulations to keep the next of kin or nearest relative informed about any FAI.

What happens at an FAI?

Police, expert witnesses and eye witnesses may be requested to give evidence to an FAI. The next of kin is entitled to question witnesses on matters connected with the death. Other relatives or interested parties can, with the permission of the Sheriff, also ask questions or be represented.

Being represented at an FAI

If you are pursuing a claim for money (see page 69) and there is an FAI, the solicitor handling your claim will probably wish to attend the FAI and ask questions. They can ask the court to consider hearing evidence from particular people.

If you are given the opportunity to ask questions at an FAI, you may wish to do it yourself or ask your solicitor (see above) to do it for you. If you do not have a solicitor, you can hire a solicitor who specialises in FAIs. Call the Law Society of Scotland on 0131 226 7411. Legal aid may be available to fund the cost of a solicitor at an FAI.

The FAI determination

At the end of an FAI the Sheriff delivers a decision called a determination. The determination can state:

- where and when the death and crash took place;
- the cause of the death and crash;
- the reasonable precautions that could have prevented the death or crash;
- any defects in any system of working that contributed to the death or crash;
- any other facts relevant to the death or crash.

If you wanted an FAI but one isn't happening, you are entitled to contact your MP, MSP or the Lord Advocate. See pages 66 and 85.

Victim Information and Advice (VIA) can help explain what is happening during an FAI. See page 35 for information about VIA.

Challenging an FAI determination

In certain cases, bereaved people have challenged FAI determinations through a process called judicial review. If you want to find out if this might be possible, you will need to consult a solicitor specialising in judicial reviews.

Having your say about criminal justice

If you have a comment, or wish to raise a concern, about the Criminal Justice System you can do so. Agencies welcome feedback and you have a right to have your voice heard.

For information on making a comment or complaint about the police, go to www.pcc-scotland.org and click on 'complaints' or call 0808 178 5577.

For information on making a comment or complaint about the Procurator Fiscal or a criminal prosecution go to www.copfs.gov.uk and click on 'complaints' or call 0844 561 3000 from a landline or 01389 739 557 from a mobile telephone.

For information on making a comment or complaint about the Court Service, go to www.scotcourts.gov.uk or call 0131 444 3300.

The National Standards for Victims of Crime sets out the standards you should expect from the Criminal Justice System with regard to accessing information, receiving support, and participation in proceedings. You can download this document from www.victimsofcrimeinscotland.org.uk or get a copy from your police or VIA contact or from the Procurator Fiscal.

Campaigning for change

If you think improvements can be made to the Criminal Justice System regarding road death cases, you may wish to join an organisation which campaigns on this and other road safety topics (see page 78).

Claiming money

Claiming money

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Claiming money for your loss

Many people bereaved by a road crash can claim money from the insurance company of a driver whose actions contributed to the crash. Sometimes very significant amounts can be claimed, although this isn't always possible.

The only way to find out if you should make a claim, and how much that claim might be worth, is to consult a personal injury solicitor as soon as possible. You shouldn't have to pay a solicitor to meet with them and discuss your case and they may be able to visit you at your home. You can check these things before you arrange a meeting. In many cases, you will also not have to pay for the solicitor's work if they take on your case.

It is the job of your solicitor to professionally pursue a claim that has a good chance of success and that you are awarded as much as possible.

Finding a personal injury solicitor

Choose a solicitor who is an expert and experienced in personal injury claims on behalf of people bereaved in road crashes (see page 24).

- The Law Society of Scotland provides lists of all lawyers in Scotland. Some specialise in claiming compensation. Log on to www.lawscot.org.uk and use the search facility to look for solicitors specialising in personal injury, or call 0131 226 7411
- The Motor Accident Solicitors Society provides lists of solicitors specialising in fatal and injury motor claims across the UK, including in Scotland. Log on to www.mass.org.uk or phone 0117 925 9604
- The Association of Personal Injury Lawyers provides lists of solicitors specialising in personal injury claims of all types, including in Scotland. Log on to www.apil.org.uk and use the search facility to look for solicitors specialising in road traffic claims or phone 0115 958 0585

Some people find it difficult to think about financial issues at this time. However, a successful claim for money may help you in many ways. Claims for money must be made within three years.

Can I definitely make a claim?

Claims can only be made by certain people, in certain cases, and for certain things. While many people can make a claim, not everyone is eligible, and not everyone is eligible for the same payments. If the crash was caused by a deliberate act, the award may be paid by another body called the Criminal Injuries Compensation Authority. In all cases, your solicitor can advise you.

Why don't I get compensation automatically from the State?

If you are financially struggling, you may be able to claim state benefits. However, there is no automatic compensation for death on the road. Your solicitor has to pursue a fatal motor claim against someone using civil law, with you as the claimant.

Can I make a claim if no-one was charged with a criminal offence?

Civil law is different to criminal law. In some cases it is possible to establish that someone is responsible for a death on the road under civil law even though that person was not charged, or found not guilty, of a criminal offence.

To succeed, a fatal motor claim requires someone to be found, 'on the balance of probabilities', to be at least partly responsible (liable) for a death and for the liable person to agree to pay you an amount of money (an award of damages). An award is made after a process of negotiation or a court ruling. Amounts awarded vary from case to case. In criminal law, by comparison, the guilt of a defendant has to be 'beyond reasonable doubt' to secure a conviction, which requires a higher level of proof.

Who pays an award?

Awards are usually paid by a liable person's motor insurance company, not by the person themselves. If a liable person was uninsured, or is untraceable, then the award is usually paid by a body called the Motor Insurers' Bureau (MIB). You can find out more about the MIB from its website www.mib.org.uk. You will still need a solicitor.

Types of fatal motor claim

Many people who were financially reliant on a person who died can claim for the loss of that support. Your solicitor can give you more details about each of these types, and may advise you to make one, several or none of these claims. All claims depend on liability being established. Whether you can claim or not is dependent on your relationship to the person who died. Your solicitor can advise you.

1 Loss of support claims

In certain circumstances, people who were financially reliant on a person who has died can claim for the loss of that support. This is called a loss of support claim. The amount that can be claimed is not fixed. It depends on the amount of support provided by the person who has died.

A loss of support claim often includes a claim for loss of income. This amount will be worked out according to how much the person who has died earned, how long they would have continued earning if they had not died and other factors. A support claim can also be made for loss of income from a pension of someone who had died.

If you are making a 'loss of support' claim for yourself, or on behalf of others such as a child, your solicitor will help you consider all losses and help work out how much to claim in total. Evidence including employment records and household bills are required to prove loss of support claims.

2 Service claims

A service claim may include a claim for loss of services provided by the person who has died, including childcare, DIY, or other domestic jobs. It can also include services provided for the deceased if they survived the crash for a period prior to death, such as high levels of nursing care at home.

3 'Loss of society' claims

A payment can often be made for your bereavement. This is called a 'loss of society' claim. The claim aims to provide some level of

compensation for the following: distress and anxiety over a loved one's suffering prior to their death; grief and sorrow over a loved one's death; and the loss of a loved one's 'society and guidance' due to their death. The amount that can be claimed depends on the nature of your relationship with a person who died and other factors, including the age of a person who died. Many relatives of someone who has died can claim. Your solicitor can advise you.

4 The suffering of someone who has died

If someone died after suffering a period of pain, then it may be possible to claim money in compensation for that suffering. The amount that can be claimed is based on the amount of time that the person suffered and the extent of the pain.

5 Compensation for psychiatric suffering

If you are found to have developed a psychiatric condition, commonly Post Traumatic Stress Disorder, as a result of your bereavement, it may be possible to claim compensation for this condition. However, only certain people, in certain situations, can claim for this. Your solicitor can advise you.

6 Funeral expenses

The cost of the funeral, or most of the cost, can be claimed from a liable party.

7 Claims for children aged under 16

Money can be claimed on behalf of a child or children under the age of 16. An adult must pursue the claim on their behalf. This adult is usually a parent or guardian. The court may appoint someone independent to act on the child's behalf.

8 Claims for injuries

If you, or anyone close to you, was injured in the crash, it is important to find out if you can make a claim for those injuries and losses resulting from injuries. Your solicitor will advise you.

Fatal motor claim procedures

Starting a claim

You and your solicitor will decide whether you should claim, what claim(s) to submit and how much to claim. Depending on the size of your claim, your solicitor will usually issue a summons in the Court of Session in Edinburgh, but may issue a writ in a Sheriff Court instead. Most claims must be made by your solicitor within three years although sometimes claims must be made within two years. Most claims are submitted much sooner to ensure any award is made as soon as possible.

Negotiating your claim

Once your case is prepared, your solicitor will ask the insurers of the person from whom you are trying to claim (the other side) if it is willing to pay you money.

If the other side admits liability and agrees to pay you money it may make an offer, or several offers, which are lower than the amount your solicitor thinks you are due. For example, if you are pursuing a loss of support claim, the other side may use information in medical and employment records of the person who has died to argue your claim is too high.

Most claims in which liability is admitted are awarded through negotiation, without the need to go to court. You can refuse or accept any offer made. Your solicitor will advise you whether an offer is reasonable.

Court proceedings

If you are not offered an acceptable award quickly through negotiation, or if liability is not admitted, your solicitor may start legal action (civil proceedings) against the other side. Depending on the case, your solicitor will usually issue a writ in a Sheriff Court, but may issue a summons in the Court of Session.

If your solicitor has issued a summons or a writ against the other side, it does not necessarily mean your case will proceed to a full court hearing where witnesses give evidence. Your solicitor will continue to try to negotiate a settlement with the other side. In some cases an interim payment (or part payment) is made by the other side prior to a final payment.

Tenders (formal offers made during court action)

If a negotiated settlement cannot be reached, your case will be decided in court. If your claim is for a substantial amount of money, it will usually be heard at the Court of Session in Edinburgh. Your case will be presented by a specialist lawyer called an advocate. Your solicitor may or may not try to have your case heard in front of a jury rather than a judge sitting alone. If your claim is for a smaller amount, it will usually be heard in a Sheriff Court and the case decided by the Sheriff. Your solicitor will advise you.

If you reject a tender and then negotiate a settlement which is the same or less than the amount tendered, you will be liable for the legal fees of both sides from the date of the tender. If the final settlement is higher, the other side will probably have to pay most, if not all, your legal fees. Tenders should be carefully considered.

There are many reasons why it may be better to negotiate a settlement out of court. Success in court cannot be guaranteed and you cannot pre-determine the decision of a Sheriff or jury. Also, your case may take a long time to be heard in court. Sometimes, the other side will make an acceptable offer just before a case is due to be heard in court.

Court hearings

If a negotiated settlement cannot be reached, your case will be decided in court. If your claim is for a substantial amount of money, it will usually be heard at the Court of Session in Edinburgh. Your case will be presented by a specialist lawyer called an advocate. Your solicitor may or may not try to have your case heard in front of a jury rather than a judge sitting alone. If your claim is for a smaller amount, it will usually be heard in a Sheriff Court and the case decided by the Sheriff. Your solicitor will advise you.

Knowing that lawyers and insurance companies are negotiating over the value of your loss can be distressing, particularly if your case takes a long time to be resolved. Ask your lawyer to keep you updated on a regular basis about how your case is progressing.

Talking to your solicitor

Your solicitor should be able to explain what is happening in straightforward terms and be available to talk to you regularly, over the phone or in meetings. They should be happy to answer any of your questions.

It is a good idea to keep notes of conversations with your solicitor and copies of correspondence so you can keep track of your claim. You can keep a note of your solicitor's name and phone number on page 3.

Ensure you know who is handling your case. Sometimes several people in a solicitor's office may work on your case.

Complaining about, or changing, your solicitor

If, at any stage, you are unhappy with the service you are getting from your solicitor, you can ask to speak to the partner in the practice responsible for looking after clients, often called the 'client relations partner'.

If you remain dissatisfied, it may be possible to change solicitor. The organisations listed on page 69 will be able to give you advice about alternatives.

If you have a serious complaint about a personal injury solicitor in Scotland, you can make a formal complaint to The Scottish Legal Complaints Commission by completing a form. Contact them on 0131 528 5111 or go to www.scottishlegalcomplaints.com

Paying your solicitor

If you are awarded money, the other side will usually have to pay most, or all, of your legal fees.

The other side will usually pay for any other costs your solicitor has incurred, as long as these costs were reasonable. These costs, such as the cost of medical reports, are called 'disbursements'. In some cases, the other side may not have to pay these costs. Your solicitor can advise you.

If your claim is unsuccessful, you may be liable for your legal costs and those of the other side. However, there are a number of ways to pay for any legal costs you incur that do not require you to be able, personally, to afford to pay very much money.

Speculative fee agreements (no win, no fee)

Many solicitors offer a speculative fee agreement, sometimes known as a 'no win, no fee' deal.

Under this deal, you don't pay any money to your solicitor up front. If your claim is successful, your solicitor may or may not charge you a 'success fee', in addition to their costs being paid by the other side. Before starting your claim, you should agree with your solicitor, in writing, the size of the success fee they can charge if your claim succeeds. By law, a success fee can be up to the same amount again as your solicitor's legal costs.

One important advantage of a speculative fee agreement is that you are protected against having to pay the other side's costs if your claim fails. Your solicitor should help you to take out a legal expenses insurance policy that covers you against this risk.

Under a speculative fee agreement it should not be necessary for your solicitor to charge you any money as the case proceeds, nor expect you to carry any risk if your case fails. If your solicitor proposes this, you may wish to consult a different solicitor.

Paying upfront

Some people choose to pay their solicitor as they go along. You may be able to do this if:

- You can afford to pay a solicitor.
- You are insured for legal expenses. It is worth checking the details of motor and house insurance policies and membership of bodies such as trade unions, although sometimes these policies don't provide enough cover. Your solicitor can advise you.

Legal aid

If you have disposable income below a certain level, you may qualify for legal aid. Legal aid is help towards the costs of legal advice and representation provided by a solicitor and is paid for out of public funds. Legal aid may be free or you may have to pay a contribution towards the costs of your case. Legal aid does not cover your opponent's legal costs. Should you lose your case, you may be ordered by the court to pay some or all of your opponent's costs. You may be able to apply to the court to have this sum reduced. In such instances, you should seek the assistance of your solicitor. To find out more about legal aid or to obtain help in finding a solicitor who is registered to provide a legal aid service to you, contact the Scottish Legal Aid Board's helpline on 0845 122 8686 or go to www.slab.org.uk

Do not use a claims assessor offering to work for a contingency fee

Someone called a claims assessor, or a claims handling company, may offer to handle your claim for a straight percentage of your award (called a contingency fee). You may see adverts offering the services of claims assessors on TV or in the press.

A contingency fee is not the same as a speculative fee, although, confusingly, it may be referred to as a 'no win, no fee' agreement. If you are awarded a lot of money you may have to pay an unreasonably large amount of money to the claims assessor.

Claims assessors are not personal injury solicitors. They are neither qualified nor regulated to the standards of solicitors.

Useful organisations

Charities that campaign for road safety

You may wish to help promote road safety issues. There are several organisations that do this. Some also offer advice and support to road crash victims and have support helplines. These organisations are described below in their own words.

For more information on organisations offering emotional support, see page 17 of the enclosed yellow book *Coping with grief*.

Brake, the road safety charity

Brake works to stop road crashes and supports the victims. It promotes road safety and reduction of car use through local and national education campaigns run by charity workers and volunteers. It coordinates National Road Safety Week annually, and also provides specialist advice to fleet managers and road safety professionals. Brake supports road crash victims through its national helpline, helping victims gain access to help in their communities and providing information and advocacy support, and through its printed and online advice for adults and children.

Helpline 0845 603 8570 (Mon-Fri 10am-4pm) or email helpline@brake.org.uk

To join or volunteer: 01484 559909 or email brake@brake.org.uk

W: www.brake.org.uk and www.roadsafetyweek.org.uk

Brake, PO Box 548, Huddersfield HD1 2XZ

RoadPeace, the road victim charity

Established in 1992, RoadPeace campaigns for justice for victims and road danger reduction, including through local groups and the Safer Streets Coalition. RoadPeace's helpline for crash victims is a lifeline offering vital information and support based on expertise, empathy and understanding, supported by free literature written from the perspective of road victims and the experience of thousands of cases.

Helpline 0845 4500 355 (Mon-Fri 9am-5pm) or email

helpline@roadpeace.org W: www.roadpeace.org

Office phone 020 7733 1603 or Email: info@roadpeace.org

245a Coldharbour Lane, London, SW9 8RR

RoSPA (Royal Society for the Prevention of Accidents)

RoSPA's road safety department raises awareness about the causes of road crashes and promotes measures to help prevent them. This charity does not provide support services for road crash victims.

T: 0121 248 2000 Email: help@rospa.com W: www.rospa.org
 Rospa house, 28 Calthorpe Road, Edgbaston, Birmingham, B15 1RP

SCARD (Support and Care after Road Death and Injury) incorporating CADD (Campaign Against Drinking and Driving)

Two charities working together providing emotional and practical support to anyone bereaved, injured or affected by any type of road death or injury. They offer a helpline staffed by experienced volunteers 365 days a year. Additionally they offer literature including on coroners and inquests, criminal and civil law, appeals and private prosecutions. They will also help you access counselling and free legal advice. SCARD offers road safety education workshops for schools and organisations. CADD campaigns for changes to the legal system to deter drink drivers and get justice for those affected by drink-drive incidents.

Helpline 0845 123 5542 (open 7 days a week, 9am-9pm)

Office phones 0845 123 5543

Email info@scard.org.uk and info@cadd.org.uk

W: www.scard.org.uk and www.cadd.org.uk

PO Box 62, Brighouse, HD6 3YY

SCID, supporting victim families of fatal road crashes

SCID campaigns for tougher road traffic law and the rights of road crash victims. SCID offers ongoing phone and face-to-face emotional support and advice for bereaved families of fatal road crashes in Scotland to guide them through the civil and criminal justice systems. This support is provided by volunteers, subject to availability.

T: 01236 610234 or 01770 810220 Email: SCID@blueyonder.co.uk

W: www.scid.org.uk

The following organisations are concerned about particular causes of death and injury on the road:**BUSK (Belt Up School Kids)**

Works to improve the safety of children and young people travelling by bus, coach, taxi and car. Offers support and guidance for parents about safety issues, legislation and the hiring of transport. Produces educational material for schools and co-ordinates School Transport Safety Week.

T: 01633 274944 Email: buskuk@aol.com

BUSK, 18 Windsor Road, Newport, Gwent NP19 8NS

Learn + Live

Works to stop deaths and injuries of young drivers and passengers including campaigning for improvements in driver training and licensing. It is run by bereaved parents and offers advice and support for other families who have suffered the loss of a young person where drink or drugs were not involved.

T: 01384 292571 Email: office@learnandlive.org.uk

W: www.learnandlive.org.uk

PO Box 7, Kingswinford, West Midlands DY6 9QZ

Government bodies with responsibility for criminal justice in Scotland

- **The Scottish Government**

In Scotland, the Cabinet Secretary for Justice is responsible for the Scottish Criminal Justice System, including matters concerning victims of crime, and for some aspects of traffic policing including administration of speed cameras and the Driver Improvement Scheme.

T: 0131 556 8400 Email: scottish.ministers@scotland.gsi.gov.uk

W: www.scotland.gov.uk

The Cabinet Secretary for Justice, The Scottish Government, 1W.11, St Andrew's House, Regent Road, Edinburgh EH1 3DG

- **The Association of Chief Police Officers in Scotland (ACPOS)**

The Association of Chief Police Officers in Scotland has a road policing business area that has some responsibility for determining policing policy. Other policies are determined by the Chief Constable of each police force.

T: 0141 435 1230 Email: secretariat@acpos.pnn.police.uk

W: www.acpos.police.uk

Road policing business area, ACPOS Secretariat, 26 Holland Street, Glasgow G2 4NH

- **The Crown Office and Procurator Fiscal Service (COPFS)**

COPFS is responsible for the prosecution of crime in Scotland, the investigation of sudden or suspicious deaths and complaints against the police.

T: 0131 226 2626 Email: ps_copfs@scotland.gsi.gov.uk

W: www.crownoffice.gov.uk

Crown Office, 25 Chambers St, Edinburgh EH1 1LA

- **Scottish Court Service**

The Scottish Court Service is responsible for providing the staff, buildings and technology to support Scotland's courts, the work of the independent judiciary, the courts' Rules Councils and the Office of the Public Guardian. In April 2010 it was established by the Judiciary and Courts (Scotland) Act 2008 as an independent body, governed by a corporate board and chaired by the Lord President, the most senior judge in Scotland.

T: 0131 444 3300 Email: enquiries@scotcourts.gov.uk

W: www.scotcourts.gov.uk

SCS, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD

- **Scottish Prison Service**

The Scottish Prison Service is an agency of the Scottish Government responsible for prisons.

T: 0131 244 8745 Email: gaolinfo@sps.pnn.gov.uk

SPS, Communications Branch, Room 338, Calton House, 5 Redheughs Rigg, Edinburgh EH12 9HW

- **Parole Board for Scotland**

The Parole Board for Scotland makes decisions about early prisoner release.

T: 0131 244 8373 W: www.scottishparoleboard.gov.uk

PBS, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD

Scottish legal contacts listed elsewhere in this pack

- **Criminal Justice System:** Turn to pages 66 to 67 for details of who to contact if you have comments about the Criminal Justice System.
- **Personal Injury Solicitors:** Turn to page 69 for details of organisations listing personal injury solicitors.

Government bodies with responsibility for road safety in Scotland

- **The Scottish Government Transport Directorate**

The Minister for Transport and Infrastructure is responsible for road safety policy in Scotland.

T: 0131 556 8400 Email: scottish.ministers@scotland.gsi.gov.uk
St Andrews House, Regent Road, Edinburgh, EH1 3DG

- **Local highway engineers and road safety officers**

Local authorities are responsible for improving road safety on local roads. They employ highways engineers, who are responsible for local speed limits, traffic calming, pedestrian crossings and other aspects of road design. Local road safety officers are responsible for local road safety education and publicity. They may be employed by local authorities or by police forces. For contact details, contact your local authority.

- **Transport Scotland**

Transport Scotland is responsible for trunk road safety.

T: 0141 272 7100 Email: info@transportscotland.gsi.gov.uk
W: www.transportscotland.gov.uk
Buchanan House, 58 Port Dundas Rd, Glasgow, G4 OHF

- **Road Safety Scotland**

Road Safety Scotland is funded by the Scottish Government to produce road safety education resources and run road safety publicity campaigns in Scotland, working with local authorities and police.

T: 0131 472 9200 Email: enquiries@roadsafetyscotland.org.uk
W: www.roadsafetyscotland.org.uk
Road Safety Scotland, Heriot-Watt Research Park (North), Riccarton, Currie, Edinburgh EH14 4AP

- **Traffic Commissioner for Scotland**

The traffic commissioner is an appointed official with responsibility for licensing companies to operate lorries, buses and coaches. The traffic commissioner has the power to issue and take away an operator's licence.
T: 0131 200 4926

Level 6, The Stamp Office, Waterloo Place, Edinburgh EH1 3EG

UK-wide Government departments

- **The Home Office**

The Home Office is responsible for reviewing UK charges and penalties for traffic offences (many of which, although not all, apply in Scotland).

T: 020 7035 4848 Email: public.enquiries@homeoffice.gsi.gov.uk
W: www.homeoffice.gov.uk

Home Secretary, The Home Office, 2 Marsham Street, London SW1P 4DF

- **The Department for Transport**

The Department for Transport is responsible for road safety policy in many areas of road safety, ranging from setting the drink drive limit to road safety TV campaigns. The Department for Transport also commissions research on road safety topics.

T: 0300 330 3000 W: www.dft.gov.uk

Road Safety Minister, The Department for Transport, Great Minster House, 76 Marsham Street, London, SW1P 4DR

- **VOSA (Vehicle and Operator Services Agency)**

VOSA is a Department for Transport agency responsible for administering annual testing of vehicles. It is also responsible for enforcement checks on the maintenance standards of trucks, buses and coaches, and their compliance with laws including driver hours' rules.

T: 0300 123 9000 Email: enquiries@vosa.gov.uk

W: www.vosa.gov.uk

Chief executive, VOSA, Berkeley House, Croydon Street, Bristol BS5 0DA

- **Driver and Vehicle Licensing Agency**

The DVLA is an agency of the Department for Transport. It promotes road safety and general law enforcement by licensing and maintaining registers of drivers and vehicles, and collecting vehicle excise duty (tax).

T: 0300 790 6801 Email: www.direct.gov.uk/emaildvla

W: www.dvla.gov.uk

Chief executive, DVLA, Swansea SA6 7JL

- **Driving Standards Agency**

The Driving Standards Agency is responsible for administering driving tests. It also promotes safe driving and publishes The Highway Code.

T: 0115 936 6666 Email: CEO.Correspondence@dsa.gsi.gov.uk

W: www.dsa.gov.uk

Chief executive, DSA, The Axis Building, 112 Upper Parliament Street, Nottingham NG1 6LP

Your political representatives

- **Your local councillor**

If you are worried about a particular local traffic problem your local councillor may be able to help. You can find out their contact details by phoning your local council.

- **Your Member of the Scottish Parliament (MSP)**

Your MSP's job is to represent your interests in the Scottish Parliament. You may want to write to or meet him/her to discuss any aspect of your case which you think s/he could act upon.

You can find out the name of your MSP by calling 0131 348 5000 between 10am and 4pm or by going to www.scottish.parliament.uk/msp and typing in your postcode.

You can write to your MSP at the Scottish Parliament, Edinburgh EH99 1SP

- **Your Member of Parliament (MP)**

Your MP's job is to represent your interests in Parliament. You may want to write to or meet him/her to discuss any aspect of your case which you think s/he could act upon.

You can find out the name of your MP by going to the website findyourmp.parliament.uk or calling parliament on 020 7219 4272

You can write to your MP at the House of Commons, London, SW1A 0AA

Organisations representing road users

You may wish to contact an organisation representing a type of road user.

Cycling organisations:

- **Cycling Scotland**

24 Blythswood Square, Glasgow, G2 4BG

T: 0141 229 5350 Email: info@cyclingscotland.org

W: www.cyclingscotland.org

- **CTC Scotland**

T: 0131 448 0930 Email: secretary@ctcscotland.org.uk

W: www.ctcscotland.org.uk

- **Sustrans**

Glenorchy House, 20 Union Street, Edinburgh EH1 3LR

T: 0131 539 8122 Email: scotland@sustrans.org.uk

W: www.sustrans.org.uk

Motorcycling organisations:

- **British Motorcyclists Federation**

3 Oswin Road, Brailsford Industrial Estate, Braunstone, Leicester LE3 1HR

T: 0116 279 5112 Email: enquiries@bmf.co.uk

W: www.bmf.co.uk

- **Motorcycle Action Group**

PO BOX 750, Warwick, CV34 9FU

T: 0844 248 0199 Email: central-office@mag-uk.org

W: www.mag-uk.org

Sustainable transport organisations:

- **Living Streets**

4th Floor, Universal House, 88-94 Wentworth Street, London, E1 7SA

T: 020 7377 4900 Email: info@livingstreets.org.uk

W: www.livingstreets.org.uk

- **Campaign for Better Transport**

16 Waterside, 44-48 Wharf Road, London, N1 7UX

T: 020 7566 6480 Email: info@bettertransport.org.uk

W: www.bettertransport.org.uk

Commercial vehicle operator groups:

- **Freight Transport Association**

Hermes House, St John's Road, Tunbridge Wells TN4 9UZ

T: 01892 526 171

W: www.fta.co.uk

- **Road Haulage Association**

35 Monument Hill, Weybridge, Surrey KT13 8RN

T: 01932 841 515 Email: weybridge@rha.uk.net

W: www.rha.uk.net

Motorist groups:

- **ETA (Environmental Transport Association)**

68 High Street, Weybridge KT13 8RS

T: 0845 389 1010 Email: eta@eta.co.uk

W: www.eta.co.uk

- **Institute of Advanced Motorists**

510 Chiswick High Rd, Chiswick, London W4 4RG

T: 020 8996 9600

W: www.iam.org.uk

- **RAC Foundation**

RAC Foundation for Motoring, 89-91 Pall Mall, London SW1Y 5HS

T: 0207 747 3445

W: www.racfoundation.org

Your Citizens' Advice Bureau (CAB)

If you need any other contacts your local Citizens' Advice Bureau may be able to help. It can provide access to free, impartial and confidential advice, including on financial and legal matters. For your nearest CAB, you can look in your phone book or contact Citizens' Advice Scotland on 0131 550 1000 or visit www.cas.org.uk or email info@cas.org.uk

Acknowledgments

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ACPOS	The Scottish Government Health Department
Association of Personal Injury Lawyers	Scottish Justices Association
Brake	The Scottish Government Justice Department
Citizens Advice Scotland	SCID (Scotland's Campaign against Irresponsible Drivers)
COPFS	Scottish Court Service
Digby Brown Solicitors	Scottish Prison Service
The Foreign and Commonwealth Office	SIGN
Institute of Traffic Accident Investigators	STEP
Institute of Psychiatry	Tissue Services, Scottish Blood Transfusion Service
Lawford Kidd Solicitors	UK Transplant
The Law Society of Scotland	Victim Information and Advice
Motor Accident Solicitors Society	Victim Support Scotland
National Association of Funeral Directors	
National Institute for Health and Clinical Excellence	
Newham University Hospital	
Multifaith Department	
Parole Board for Scotland	
Royal Cornhill Hospital, Aberdeen	

Brake is committed to continuous improvement. Any comments on this guide's content are welcomed and can be sent to **Brake, PO Box 548, Huddersfield HD1 2XZ** or e-mailed to **brake@brake.org.uk**

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