

Prime Minister

INCIDENT AT DUNBLANE PRIMARY SCHOOL

When we discussed this matter last night, I undertook to let you have written advice preparatory to the discussion which the Lord Advocate and I are to have with you shortly before Cabinet this morning.

The Lord Advocate and I have considered carefully how best the incident should be examined and conclusions reached. Under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1967, a fatal accident inquiry (the Scottish equivalent of an inquest) must be held. However, the Lord Advocate and I believe that an inquiry under this legislation will not meet public concerns about this tragic incident. The legislation requires the inquiry to be held out by the local Sheriff or Sheriff Principal and, while it is possible that the inquiry might look at wider aspects of the incident, the Sheriff is not required to make any recommendations. Against the background of the very considerable public concern about the character and behaviour of the gunman in this case, we consider that a fatal accident inquiry would not be seen adequately to address the major issues. We therefore believe that it is both desirable and necessary that I should set up an inquiry to be taken by a Senator of the College of Justice, ie a member of the senior judiciary in Scotland. I envisage that the inquiry would have a simple remit, along the lines of a requirement to inquire into the circumstances surrounding the deaths which occurred at Dunblane Primary School on 13 March, and to make recommendations.

The Lord Advocate and I consider that the Judge concerned may find it necessary to address questions relating to the way in which firearms legislation is applied in practice; about security of school premises; and about the supervision of voluntary youth workers. I think that we have to allow these matters to be exposed to scrutiny in public, and I have confidence that, providing the right Judge is selected, we need not fear any over-reaction on his part.

Following informal consultations on a contingent basis, with the Lord President of the Court of Session, the Judge which we have in mind to conduct this inquiry is Lord

MICHAEL FORSYTH
14 March 1996