

GLW-B1473-18

The Procurator Fiscal v Gary Arthur + others

**Glasgow****4 December 2018****Sheriff Principal C D Turnbull****Appeared:****S.C. Smith QC & Lamont, advocate for the Procurator Fiscal****B.Fitzpatrick, solicitor for Gordon Arthur****V. Young, advocate for Mary Kavanagh****Mitchell, advocate for John McGarrigle Jnr****D.Forbes, advocate for James Diver****D.Forbes, advocate for Ian O'Prey****Adams, advocate for Dr Lucy Thomas****R.W. Dunlop QC & Toner, advocate for Airbus Helicopters Deutschland GmbH****Gray QC for Babcock Mission Critical Services Onshore Limited****Brown QC for Safran Helicopter Engines****H.Watts, advocate for Air Accidents Investigation Branch****B.T.Smith, advocate for Civil Aviation Authority****Clarke QC for European Aviation Safety Agency****L. Allan, solicitor for Scottish Fire and Rescue Service****Pugh, advocate for Scottish Ambulance Service****J. Reid, solicitor for Police Scotland****J.S. Bain, advocate for David Young****M.L. Stewart QC for British Airline Pilots Association**

The sheriff principal, having heard from senior counsel for the procurator fiscal and from the representatives of the participants to the inquiry, makes the following orders:

1. discharges the preliminary hearing previously assigned for **5 December 2018**;

04/12/2018

2. assigns **11 January 2019** at 9.30 am within Glasgow Sheriff Court, 1 Carlton Place Glasgow G5 9DA as a further preliminary hearing, the reason for fixing another preliminary hearing being to enable the affected participants to update the court in relation to any outstanding legal aid issues;
3. appoints each participant to lodge with the sheriff clerk at Glasgow, by e-mail to CluthaFAI@scotcourts.gov.uk, no later than 12 noon on **25 January 2019**:
  - (a) a note setting out:
    - (i) the matters considered likely to be in dispute at the inquiry, including, without prejudice to the foregoing generality, any matter contained within the report by the Air Accident Investigation Branch aircraft accident report 3/2015 with which issue is taken;
    - (ii) a list of any productions which it is considered might be used at the inquiry and a note of their relevance to the purpose of the inquiry;
    - (iii) a list of persons whom it is considered might be led as witnesses at the inquiry and a note of their relevance to the purpose of the inquiry; and
    - (iv) the matters which the sheriff principal might be invited to address in his determination;
  - and
  - (b) any note in accordance with rule 4.15 of the Act of Sederunt (Fatal Accident Inquiry Rules 2017) ("the Rules");
4. appoints any person who was not given notice under section 17(1) of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 but who wishes to appear at the preliminary hearing previously assigned for 5 and 6 February 2019, and who has not yet made application to do so, to make application in accordance with rule 3.5 of the Rules by no later than 12 noon on **16 January 2019**;
5. assigns **23 January 2019** at 10 am within Glasgow Sheriff Court, 1 Carlton Place Glasgow G5 9DA as a hearing in respect of any application lodged pursuant to paragraph 4 hereof;
6. continues the inquiry to the preliminary hearing previously assigned for **5 and 6 February 2019** at 10 am within Hampden Park, Letherby Drive, Glasgow G42 9BA, the reason for fixing another preliminary hearing being to enable the participants to continue their preparations for the inquiry and to address the court fully on the matters set out in rule 3.8 of the Rules; and
7. specifies, in terms of rule 3.8(4) of the Rules, that the matters which will be considered at the preliminary hearing previously assigned for **5 February 2019** are (a) those set out within rule 3.8(2) of the Rules; and (b) such other matters as to the court shall seem proper.

Sheriff Principal C D Turnbull  
Sheriff Principal

**NOTE**

*1. Sitting Days – April to August 2019*

As matters presently stand, the inquiry will commence on Monday 8 April 2019. It will sit between 8 and 10 April 2019. It will then adjourn until Wednesday 17 April 2019.

The inquiry will then sit on 17 and 18 April 2019. It will then adjourn until Tuesday 23 April 2019.

The inquiry will then will sit between 23 April and 3 May 2019. It will then adjourn until Tuesday 7 May 2019.

The inquiry will then will sit between 7 and 17 May 2019. It will then adjourn until Monday 1 July 2019.

As matters presently stand, the inquiry will then sit continuously throughout July and August 2019 (with the exception of Monday 15 July 2019 which is a local holiday in Glasgow). The position from September 2019 onwards will be considered in due course.

*2. Matters Considered Likely To Be In Dispute*

The Crown has undertaken to produce an updated list of the matters considered likely to be in dispute at the inquiry. In advance of the date stipulated in paragraph 3 (above), parties are expected to liaise with the Crown in relation to said matters with a view to a definitive list of issues being available for consideration at the preliminary hearing in February 2019.

**This document has been electronically authenticated and requires no wet signature.**