



# Victims and Witnesses (Scotland) Act 2014 2014 asp 1

## *Medical examinations*

### [<sup>F1</sup>8A **Certain medical examinations: additional information to be provided**

- (1) Subsection (2) applies where a person is, or is to be, referred to a health board for a forensic medical examination as mentioned in section 2(2)(a)(i) of the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021.
- (2) The chief constable of the Police Service of Scotland must ensure that, in addition to a constable informing the person of the matters mentioned in sections 3C(1) and 3D(1), a constable informs the person that—
  - (a) the person may request from the health board—
    - (i) a copy of the Victims' Code for Scotland, and
    - (ii) information relating to the rights of victims,
  - (b) the person may request the health board to refer the person to providers of victim support services, and
  - (c) the person may contact providers of victim support services directly without being referred as mentioned in paragraph (b).
- (3) In this section—

“health board” means a board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978,

“victim support services” has the meaning given by section 3D(5).]

#### **Textual Amendments**

- F1** S. 8A inserted (1.4.2022) by [Forensic Medical Services \(Victims of Sexual Offences\) \(Scotland\) Act 2021 \(asp 3\)](#), s. 20(2), [sch. para. 5\(2\)](#) (with s. 3); S.S.I. 2022/24, reg. 2

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*Changes to legislation: There are currently no known outstanding effects for the Victims and Witnesses (Scotland) Act 2014, Cross Heading: Medical examinations. (See end of Document for details)*

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## 9 Certain medical examinations: gender of medical examiner

- [<sup>F2</sup>(1) This section applies where a forensic medical examination is to be carried out by virtue of section 2 of the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021.]
- (2) Before a medical examination of the person <sup>F3</sup>... is carried out by a registered medical practitioner [<sup>F4</sup>, the person must be given] an opportunity to request that any such medical examination be carried out by a registered medical practitioner of a [<sup>F5</sup>sex] specified by the person.
- (3) If the person makes such a request, <sup>F6</sup>... the registered medical practitioner who is to (or, but for the request, would) carry out the examination is [<sup>F7</sup>to be] informed of the nature of the request.
- (4) In this section, references to a registered medical practitioner include references to a person of such other description as the Scottish Ministers may by order prescribe.
- (5) An order under subsection (4) is subject to the negative procedure.

### Textual Amendments

- F2** S. 9(1) substituted (1.4.2022) by Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 (asp 3), s. 20(2), **sch. para. 5(3)(a)** (with s. 3); S.S.I. 2022/24, reg. 2
- F3** Words in s. 9(2) repealed (1.4.2022) by Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 (asp 3), s. 20(2), **sch. para. 5(3)(b)(i)** (with s. 3); S.S.I. 2022/24, reg. 2
- F4** Words in s. 9(2) substituted (1.4.2022) by Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 (asp 3), s. 20(2), **sch. para. 5(3)(b)(ii)** (with s. 3); S.S.I. 2022/24, reg. 2
- F5** Word in s. 9(2) substituted (1.4.2022) by Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 (asp 3), s. 20(2), **sch. para. 5(3)(b)(iii)** (with s. 3); S.S.I. 2022/24, reg. 2
- F6** Words in s. 9(3) repealed (1.4.2022) by Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 (asp 3), s. 20(2), **sch. para. 5(3)(c)(i)** (with s. 3); S.S.I. 2022/24, reg. 2
- F7** Words in s. 9(3) inserted (1.4.2022) by Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 (asp 3), s. 20(2), **sch. para. 5(3)(c)(ii)** (with s. 3); S.S.I. 2022/24, reg. 2

### Commencement Information

- I1** S. 9 in force at 1.4.2022 by S.S.I. 2022/22, **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Victims and Witnesses (Scotland) Act 2014, Cross Heading: Medical examinations.