



# Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021

## 2021 asp 3

### *Victim support information and referrals*

#### **12 Victim support information and referrals**

- (1) Subsection (2) applies where—
  - (a) a person requests a forensic medical examination as mentioned in paragraph (b) of section 2(2), and
  - (b) the incident in connection with which the examination is requested is of the type mentioned in paragraph (a)(i) of that section.
- (2) The health board to which the request is made must inform 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) The health board must, as soon as reasonably practicable after a person mentioned in subsection (1) or section 8A(1) of the 2014 Act makes a request for—
  - (a) a copy of the Victims' Code for Scotland—
    - (i) provide the person with a copy of the Code, or
    - (ii) advise the person where a copy of the Code may be obtained,
  - (b) information relating to the rights of victims—
    - (i) provide the person with such information held by, or accessible to, the health board as the health board considers relevant to the request, and
    - (ii) provide the person with contact details for any other body which the health board considers may hold or be able to access information relevant to the request.

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**Changes to legislation:** There are currently no known outstanding effects for the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021, Cross Heading: Victim support information and referrals. (See end of Document for details)

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- (4) Where a person mentioned in subsection (1) or section 8A(1) of the 2014 Act requests a referral of the type mentioned in subsection (2)(b), the health board must, subject to the views of the person—
- (a) disclose the person's details to such providers of victim support services as the authority considers appropriate to the person's needs, or
  - (b) provide the person with the name, address and telephone number of such providers of victim support services.
- (5) Subsections (6) to (8) apply where—
- (a) a person requests a copy of the Victims' Code for Scotland from a health board under this section, and
  - (b) the person does not understand or speak English.
- (6) The person may request that the copy provided be a translation in a language that the person understands.
- (7) The health board may transmit that request to the Scottish Ministers.
- (8) The Scottish Ministers must—
- (a) translate the Code into the language required, and
  - (b) provide a copy of the translated Code to the health board.
- (9) In this section—
- “2014 Act” means the Victims and Witnesses (Scotland) Act 2014,
  - “Victims' Code for Scotland” means the document prepared and published under section 3B of the 2014 Act,
  - “victim support services” has the meaning given by section 3D(5) of the 2014 Act.”.

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**Commencement Information**

**II** S. 12 in force at 1.4.2022 by S.S.I. 2022/24, reg. 2

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