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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, Paragraph 2. (See end of Document for details)

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## SCHEDULE MINOR AND CONSEQUENTIAL MODIFICATIONS

### PART 1

#### THE 1978 ACT AND INSTRUMENTS MADE UNDER IT

##### *The Functions of Health Boards (Scotland) Order 1991*

- 2 (1) The Functions of Health Boards (Scotland) Order 1991 (S.I. 1991/570) is amended as follows.
- (2) In article 1(2) (interpretation), after the definition of “the Act” insert—
- ““the 2021 Act” means the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021;”.
- (3) In article 2 (persons for whose health care each Health Board is responsible)—
- (a) in paragraph (1), after sub-paragraph (b) (and before “and” following that sub-paragraph and preceding sub-paragraph (c)) insert—
- “(ba) in so far as the health care consists of providing services (other than the services mentioned in sub-paragraph (b) (i) in conjunction with provision of the service mentioned in section 1(1)(a) of the 2021 Act, of persons (not falling within sub-paragraph (a)(i) or (ii)) to whom the Health Board is providing that service, regardless of the person's place of ordinary residence;”.
- (b) after paragraph (3), insert—
- “(3A) For the purposes of paragraph (1)(ba), services are provided in conjunction with provision of the service mentioned in section 1(1) (a) of the 2021 Act if they are provided—
- (a) to a person at the same time as that service is provided to the person, or
- (b) to a person to whom that service has been provided on the person returning, at the request or on the recommendation of the health board, for follow-up care to care provided as mentioned in sub-paragraph (a).”.
- (4) In article 3 (duty of health boards to exercise functions)—
- (a) in paragraph (1), for the words “those persons for whose health care each Health Board is responsible” substitute “ the persons mentioned in paragraph (1A) ”,
- (b) after paragraph (1), insert—
- “(1A) The persons referred to in paragraph (1) are—
- (a) in so far as a function specified in article 4 relates to functions conferred on the Health Board by the 2021 Act, those persons in relation to whom the functions conferred by that Act are exercisable by each Health Board;
- (b) otherwise, those persons for whose health care each Health Board is responsible.”.

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(5) In article 4(c) (duty of Scottish Ministers under section 36 of the 1978 Act to be exercised by health boards), after “under the Act” insert “ or under the 2021 Act ”.

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**Commencement Information**

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

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