
Changes to legislation: There are currently no known outstanding effects for the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021, Paragraph 5. (See end of Document for details)

SCHEDULE MINOR AND CONSEQUENTIAL MODIFICATIONS

PART 2

OTHER ENACTMENTS

Victims and Witnesses (Scotland) Act 2014

- 5 (1) The Victims and Witnesses (Scotland) Act 2014 is amended as follows.
(2) Before section 9 insert—

Certain medical examinations: additional information to be provided

- “8A (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).”
- (3) In section 9 (requests as to medical examiner in relation to certain medical examinations)—
- (a) for subsection (1), substitute—

“(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.”,
 - (b) in subsection (2)—
 - (i) the words “in relation to the complaint” are repealed,
 - (ii) for the words from “in pursuance of” to “the person”, where it second occurs, substitute “, the person must be given ”,
 - (iii) for the word “gender” substitute “ sex ”,
 - (c) in subsection (3)—
 - (i) the words “the constable must ensure that” are repealed,
 - (ii) after “is”, where it second occurs, insert “ to be ”.

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(4) In section 29A(1) (exercise of functions where victim is a child), after “6” insert “ , 8A ”.

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Commencement Information

II Sch. para. 5 in force at 1.4.2022 by S.S.I. 2022/24, reg. 2

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