
Changes to legislation: There are currently no known outstanding effects for the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021, PART 1. (See end of Document for details)

SCHEDULE MINOR AND CONSEQUENTIAL MODIFICATIONS

PART 1

THE 1978 ACT AND INSTRUMENTS MADE UNDER IT

The 1978 Act

- 1 (1) The 1978 Act is amended as follows.
- (2) In section 2 (health boards: regulations and directions)—
 - (a) in subsection (5), after “this Act” insert “ or by or under the 2021 Act ”,
 - (b) in subsection (6), after “functions” insert “ (other than functions conferred on them by or under the 2021 Act) ”.
- (3) In section 2B(1) (duty to encourage public involvement), after “responsible” insert “ and services which it has the function of providing to individuals under the 2021 Act ”.
- (4) In section 10H (standards and outcomes)—
 - (a) in subsection (1)(a), after “health service” insert “ or under the 2021 Act ”,
 - (b) in subsection (4), after “health service” insert “ or under the 2021 Act ”.
- (5) In section 17A(1) (NHS contracts), after “enactment” insert “ (including the 2021 Act) ”.
- (6) In section 36(1) (accommodation and services), in paragraph (b), after “under this Act” insert “ or under the 2021 Act ”.
- (7) In section 76(1) (inquiries), after “this Act” insert “ or under the 2021 Act ”.
- (8) In section 77(1) (default powers), after “this Act” insert “ or by or under the 2021 Act ”.
- (9) In section 78 (emergency powers)—
 - (a) after “this Act”, where it first occurs, insert “ or under the 2021 Act ”,
 - (b) after “this Act”, where it second occurs, insert “ , or by or under the 2021 Act, ”.
- (10) In section 78A (powers in case of service failures)—
 - (a) in subsection (1)(a), after “this Act” insert “ , or under or by virtue of the 2021 Act, ”,
 - (b) in subsection (2), after “this Act” insert “ or, as the case may be, under or by virtue of the 2021 Act ”.
- (11) In section 79 (purchase of land and moveable property)—
 - (a) in subsection (1), after “under this Act”, where it first occurs, insert “ or under the 2021 Act ”,
 - (b) in subsection (1A), after “under this Act” insert “ or under the 2021 Act ”.
- (12) In section 108(1) (interpretation), before the definition of “the Agency” insert—

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““the 2021 Act” means the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021;”.

Commencement Information

II Sch. para. 1 in force at 1.4.2022 by S.S.I. 2022/24, reg. 2

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 ”.

Commencement Information

I2 Sch. para. 2 in force at 1.4.2022 by S.S.I. 2022/24, reg. 2

The National Health Service (Clinical Negligence and Other Risks Indemnity Scheme) (Scotland) Regulations 2000

- 3 (1) The National Health Service (Clinical Negligence and Other Risks Indemnity Scheme) (Scotland) Regulations 2000 (S.S.I. 2000/54) are amended as follows.
- (2) In regulation 1(2) (interpretation), in the definition of “relevant function”, after subparagraph (i) of paragraph (a) insert—
- “(ia) a function conferred by the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021”.

Commencement Information

I3 Sch. para. 3 in force at 1.4.2022 by S.S.I. 2022/24, reg. 2

Changes to legislation:

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