

**Changes to legislation:** There are currently no known outstanding effects for the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021, Cross Heading: Victims and Witnesses (Scotland) Act 2014. (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    - (i) the words “in relation to the complaint” are repealed,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    - (i) the words “the constable must ensure that” are repealed,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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