
Changes to legislation: There are currently no known outstanding effects for the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021, PART 2. (See end of Document for details)

SCHEDULE MINOR AND CONSEQUENTIAL MODIFICATIONS

PART 2

OTHER ENACTMENTS

Patient Rights (Scotland) Act 2011

- 4 (1) The Patient Rights (Scotland) Act 2011 is amended as follows.
- (2) In section 3 (patient rights)—
- (a) in subsection (2)(c), after “wellbeing” insert “ (including, where the health care being provided includes a service provided under the 2021 Act, decisions mentioned in subsection (3A)) ”,
 - (b) after subsection (3), insert—
 - “(3A) The decisions referred to in subsection (2)(c) are—
 - (a) a decision about whether to undergo a forensic medical examination (and whether any such examination should take place without the incident in connection with which the examination would be carried out having been reported to a constable),
 - (b) a decision about whether to make a request under section 8(1)(a) of the 2021 Act.”.
- (3) In section 18 (patient advice and support service), after subsection (6), insert—
- “(7) In this section and section 19, references to the health service include reference to the services provided under the 2021 Act.”.
- (4) In section 23(1) (interpretation)—
- (a) after the definition of “the 1978 Act”, insert—
 - ““the 2021 Act” means the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021;”,
 - (b) in the definition of “health care”, after “health service” insert “ or under the 2021 Act ”,
 - (c) in the definition of “health service function”—
 - (i) the words from “any” to the end become paragraph (a),
 - (ii) after that paragraph, insert—
 - “(b) the functions conferred by the 2021 Act;”,
 - (d) after the definition of “health service function”, insert—
 - ““patient” includes (except in sections 8 to 13) a person in relation to whom a Health Board is exercising the functions conferred by the 2021 Act;”.
- (5) In the schedule (health care principles)—
- (a) in paragraph 7—
 - (i) the existing words become sub-paragraph (1),
 - (ii) after that sub-paragraph, insert—

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- “(2) Sub-paragraph (1) does not apply in relation to the exercise of functions conferred by the 2021 Act.”,
- (b) in paragraph 12, after “wellbeing” insert “ (including, where the health care being provided includes a service provided under the 2021 Act, decisions mentioned in section 3(3A)) ”,
 - (c) in paragraph 15, after “wellbeing” insert “ or, where the health care being provided includes a service provided under the 2021 Act, about matters relevant to the provision of that service ”.

Commencement Information

II [Sch. para. 4](#) in force at 1.4.2022 by [S.S.I. 2022/24](#), [reg. 2](#)

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,

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

Commencement Information

I2 [Sch. para. 5](#) in force at 1.4.2022 by [S.S.I. 2022/24](#), [reg. 2](#)

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