



Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021

2021 asp 3

General provisions

17 Meaning of references to “evidence”

- (1) References in this Act (however expressed) to evidence collected during a forensic medical examination include reference to—
 - (a) images created,
 - (b) samples (for example, samples of blood, semen, urine, or hair and samples taken by swabbing a person's genitals or bodily orifices) collected,
 - (c) any notes or other records (including notes or records about matters other than the physical condition of the person undergoing the examination) created,
 - (d) items worn or otherwise present during the incident which gave rise to the need for such an examination and collected,during or in connection with the examination.
- (2) But such references do not include reference to anything collected or created during or in connection with the examination if the thing was collected or created for use other than use as is mentioned in section 2(3) (for example, for use in identifying, recording and addressing the health care needs of the person undergoing the examination).
- (3) Anything collected or created in anticipation of a forensic medical examination being carried out under this Act is to be regarded as having been collected or created during or in connection with such an examination even where the person who was referred for or, as the case may be, requested the examination does not proceed to undergo such an examination.
- (4) References in this section to images, notes and other records include reference to those things in all forms that the things exist (for example, digital or physical form).

Changes to legislation:

There are currently no known outstanding effects for the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021, Section 17.