



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

## 2021 asp 3

### *The examination service*

#### **4 Information to be provided before examination**

- (1) This section applies where a person is referred for or requests a forensic medical examination as mentioned in section 2(2).
- (2) Before any evidence is collected—
  - (a) the person who has been referred for or, as the case may be, who requested the examination must, so far as reasonably practicable, be provided with the information mentioned in subsection (3), and
  - (b) the information must, so far as reasonably practicable, be explained to the person.
- (3) The information is—
  - (a) information about—
    - (i) the circumstances in which any evidence collected during the examination may be transferred to a constable, and
    - (ii) the purposes for which such evidence may then be used, and
  - (b) where the forensic medical examination is requested under section 2(2)(b), information about—
    - (i) the person's rights to request the return of certain items under section 7 and to request the destruction of evidence under section 8(1)(a), and
    - (ii) the destruction of evidence under section 8(1)(b).
- (4) Failure to comply with subsection (2) does not by itself render any evidence collected during the examination inadmissible in any proceedings in relation to the incident which gave rise to the need for the examination.

#### **Commencement Information**

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

**Changes to legislation:**

There are currently no known outstanding effects for the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021, Section 4.