



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

## 2021 asp 3

### *Transfer of evidence*

#### **9 Transfer of evidence to police**

- (1) This section applies—
- (a) where a forensic medical examination has been carried out following a person being referred for such an examination as mentioned in section 2(2)(a),
  - (b) where—
    - (i) a forensic medical examination has been carried out following a person requesting such an examination as mentioned in section 2(2)(b), and
    - (ii) the person has subsequently reported the incident in connection with which the examination took place to a constable, or
  - (c) where—
    - (i) a forensic medical examination has been carried out following a person requesting such an examination as mentioned in section 2(2)(b),
    - (ii) the health board which carried out the examination has subsequently established that the person was, at the time of the examination, under the age mentioned in that section at that time, and
    - (iii) the matters mentioned in sub-paragraphs (i) and (ii) have been reported to a constable.
- (2) A constable may request the transfer to the constable of any evidence collected during the examination and stored or otherwise held by a health board which is required for the purposes of—
- (a) investigation of the incident which gave rise to the need for the examination, or
  - (b) proceedings in relation to the incident.
- (3) The health board must comply with the request as soon as reasonably practicable.