

*Draft Regulations laid before the Scottish Parliament under sections 13(4)(a) and 19(3)(a) of the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2022 No.**

**FORENSIC MEDICAL SERVICES**

The Forensic Medical Services (Modification of Functions of Healthcare Improvement Scotland and Supplementary Provision) Regulations 2022

*Made* - - - - 2022

*Coming into force* - - 1st April 2022

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 13(1) and 19(1) of the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021(1) and all other powers enabling them to do so.

In accordance with sections 13(4)(a) and 19(3)(a) of that Act a draft of the instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Forensic Medical Services (Modification of Functions of Healthcare Improvement Scotland and Supplementary Provision) Regulations 2022 and come into force on 1 April 2022.

**Modifications to the functions of Health Improvement Scotland and supplementary provision**

2. The modifications and supplementary provision in the schedule have effect.

St Andrew's House,  
Edinburgh  
Date

*Name*  
A member of the Scottish Government

## SCHEDULE

Regulation 2

MODIFICATIONS RELATING TO THE FUNCTIONS OF HEALTH  
IMPROVEMENT SCOTLAND AND SUPPLEMENTARY PROVISION

**The National Health Service (Scotland) Act 1978**

1. The National Health Service (Scotland) Act 1978(2) is amended as follows.
2. In section 10A(1) (Healthcare Improvement Scotland)—
  - (a) in paragraph (a), after “enactment” insert “(including the 2021 Act)”, and
  - (b) in paragraph (b), after “health care” insert “and of services provided under the 2021 Act”.
3. In section 10B(2) (principles) after “health service” insert “or under the 2021 Act”.
4. In section 10C (health service functions)—
  - (a) after subsection (2) insert—
 

“(2A) HIS is to exercise the following functions—

    - (a) a duty of supporting, ensuring and monitoring the quality of services provided by Health Boards under the 2021 Act including, without prejudice to the foregoing generality, providing quality assurance and accreditation,
    - (b) a duty of supporting, ensuring and monitoring the discharge of the duty under section 2B by Health Boards, insofar as the discharge of that duty relates to services provided under the 2021 Act,
    - (c) a duty of supporting, ensuring and monitoring the discharge of the duty under section 2D by Health Boards, insofar as the discharge of that duty is relevant to—
      - (i) the quality of services provided under the 2021 Act, or
      - (ii) the discharge of the duty under section 2B (insofar as the discharge of that duty relates to services provided under the 2021 Act).”
  - (b) in subsection (3)—
    - (i) in paragraph (a), after “health service” insert “or under the 2021 Act”, and
    - (ii) in paragraph (e)(i), after “health service” insert “or under the 2021 Act”.
5. In section 10I (inspections of services provided under the health service)—
  - (a) in the heading, at the end insert “or under the 2021 Act”,
  - (b) after subsection (1B) insert—
 

“(1C) HIS may inspect any service provided under the 2021 Act in pursuance of its general duty of furthering improvement in the quality of those services.”.
6. In section 10M(1)(a) (inspections at request of Scottish Ministers) after “health service” insert “or under the 2021 Act”.
7. In section 10Z12(1)(b) (inquiries) after “health service” insert “or under the 2021 Act”.
8. In section 12H (duty of quality), after subsection 2 insert—

(2) 1978 c. 29. Sections 10A, 10B, 10C, 10I, 10M, 10Z12 were inserted by section 108 of the Public Services Reform (Scotland) Act 2010 (asp 8), and section 10I was relevantly amended by section 55(2)(b) of the Public Bodies (Joint Working) (Scotland) Act 2014 (asp 9). Section 12H was inserted by section 51 of the Health Act 1999 (c. 8).

“(2A) Each Health Board must put and keep in place arrangements for the purposes of monitoring and improving the quality of services provided under the 2021 Act which it provides to individuals.

(2B) The reference in subsection (1A) to services under the 2021 Act which a body provides to individuals includes services which the body provides jointly with another person to individuals.”.

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations expand the functions of Healthcare Improvement Scotland to enable it to monitor and inspect Health Boards in respect of the services provided by those Boards under the Forensic Medical Services (Victims of Sexual Offences ) (Scotland) Act 2021 (“the 2021 Act”).

These Regulations also modify section 12H of the National Health Service (Scotland) Act 1978 so that a health board will be required to put and keep in place arrangements for the purpose of monitoring and improving the quality of the services which it provides under the 2021 Act.