

Draft Regulations laid before the Scottish Parliament under section 8(7) of the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

FORENSIC MEDICAL SERVICES

**The Forensic Medical Services (Self-Referral Evidence
Retention Period) (Scotland) Regulations 2022**

Made - - - - 2022

Coming into force - - 1st April 2022

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 8(1)(b) 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 section 8(7) of the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Forensic Medical Services (Self-Referral Evidence Retention Period) (Scotland) Regulations 2022 and come into force on 1 April 2022.

(2) In these Regulations “the 2021 Act” means the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021.

Retention of evidence

2.—(1) For the purposes of section 8(1)(b) of the 2021 Act, the period is 26 months, beginning with the day on which the medical examination under section 2(2)(b) of that Act was carried out.

(2) In this regulation, the day on which the medical examination under section 2(2)(b) of the 2021 Act was carried out means the day on which the forensic medical examination was started.

(1) 2021 asp 3.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument:
The Forensic Medical Services (Self-Referral Evidence Retention Period) (Scotland) Regulations 2022 No. 89

St Andrew's House
Edinburgh
Date

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify the period after which a health board, as soon as is reasonably practicable, must ensure that evidence collected during a self-referral forensic medical examination and stored by it is destroyed. Regulation 2 sets the period as 26 months. That period does not apply in circumstances where the person who underwent the examination requests that the evidence is destroyed and a period of 30 days since that request was made has expired (unless the 26 month period expires earlier than the 30 days), or where a request has been made for the evidence to be transferred to the police.

Regulation 2(2) provides that in circumstances where a forensic medical examination is started on one day, but not completed on that day, the period of 26 months begins on the day that the forensic medical examination is started. These Regulations come into force on 1 April 2022.

These Regulations do not impose any costs on business, charities or the voluntary sector. Accordingly, no Business and Regulatory Impact Assessment has been prepared.