
Changes to legislation: There are currently no known outstanding effects for the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021, Cross Heading: Patient Rights (Scotland) Act 2011. (See end of Document for details)

SCHEDULE MINOR AND CONSEQUENTIAL MODIFICATIONS

PART 2

OTHER ENACTMENTS

Patient Rights (Scotland) Act 2011

- 4 (1) The Patient Rights (Scotland) Act 2011 is amended as follows.
- (2) In section 3 (patient rights)—
- (a) in subsection (2)(c), after “wellbeing” insert “ (including, where the health care being provided includes a service provided under the 2021 Act, decisions mentioned in subsection (3A)) ”,
 - (b) after subsection (3), insert—
 - “(3A) The decisions referred to in subsection (2)(c) are—
 - (a) a decision about whether to undergo a forensic medical examination (and whether any such examination should take place without the incident in connection with which the examination would be carried out having been reported to a constable),
 - (b) a decision about whether to make a request under section 8(1)(a) of the 2021 Act.”.
- (3) In section 18 (patient advice and support service), after subsection (6), insert—
- “(7) In this section and section 19, references to the health service include reference to the services provided under the 2021 Act.”.
- (4) In section 23(1) (interpretation)—
- (a) after the definition of “the 1978 Act”, insert—
 - ““the 2021 Act” means the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021;”,
 - (b) in the definition of “health care”, after “health service” insert “ or under the 2021 Act ”,
 - (c) in the definition of “health service function”—
 - (i) the words from “any” to the end become paragraph (a),
 - (ii) after that paragraph, insert—
 - “(b) the functions conferred by the 2021 Act;”,
 - (d) after the definition of “health service function”, insert—
 - ““patient” includes (except in sections 8 to 13) a person in relation to whom a Health Board is exercising the functions conferred by the 2021 Act;”.
- (5) In the schedule (health care principles)—
- (a) in paragraph 7—
 - (i) the existing words become sub-paragraph (1),
 - (ii) after that sub-paragraph, insert—

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- “(2) Sub-paragraph (1) does not apply in relation to the exercise of functions conferred by the 2021 Act.”,
- (b) in paragraph 12, after “wellbeing” insert “ (including, where the health care being provided includes a service provided under the 2021 Act, decisions mentioned in section 3(3A)) ”,
 - (c) in paragraph 15, after “wellbeing” insert “ or, where the health care being provided includes a service provided under the 2021 Act, about matters relevant to the provision of that service ”.

Commencement Information

II Sch. para. 4 in force at 1.4.2022 by S.S.I. 2022/24, reg. 2

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