



The Scottish Parliament
Pàrlamaid na h-Alba

Published 31 January 2020
SP Paper 667
8th Report, 2020 (Session 5)

Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh

Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill: Stage 1



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Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>



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Introduction

1. At its meeting on 28 January 2020, the Delegated Powers and Law Reform Committee considered the delegated powers in the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill ("the Bill") at Stage 1.ⁱ
2. The Committee submits this report to the lead Committee for the Bill, the Health and Sport Committee, under Rule 9.6.2 of the Standing Orders.
3. The Scottish Government has provided the Parliament with a memorandum on the delegated powers provisions in the Bill.ⁱⁱ

ⁱ Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill, as introduced

ⁱⁱ Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill, Delegated Powers Memorandum

Bill Overview

4. This Scottish Government Bill was introduced by the Cabinet Secretary for Health and Sport, Jeane Freeman MSP, on 26 November 2019. The lead committee is the Health and Sport Committee.
5. According to the Policy Memorandum prepared by the Scottish Government, the main policy objective of the Bill is to improve forensic medical services for people who have been affected by sexual crime.ⁱⁱⁱ
6. The Bill provides a statutory duty for Health Boards to provide forensic medical examinations to victims and to ensure that an individual's healthcare needs are addressed in a holistic way in the context of any such examination. This duty applies in relation to victims referred for examination by police and to those who self-refer. This means that victims can request a forensic medical examination without reporting the incident to the police. The Bill also creates a statutory framework for the retention of samples.

ⁱⁱⁱ Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill, Policy Memorandum

Delegated Powers

7. The Committee considered each of the delegated powers in the Bill. The Committee determined that it did not need to draw the attention of the Parliament to the delegated powers in the following provisions:

- Section 8(1)(b) - Destruction of samples, information, etc.
- Section 10 - Functions
- Section 14 - Ancillary provision
- Section 15 - Commencement

8. The Committee therefore reports that it is content with the delegated powers provisions contained in the Bill.

