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Health, Social Care and Sport Committee

Subordinate Legislation Considered by the Health, Social Care and Sport Committee on 1 March 2022



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Health, Social Care and Sport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Social Care and matters relating to drugs policy.



hscs.committee@parliament.scot

Committee Membership



Convener
Gillian Martin
Scottish National Party



Deputy Convener
Paul O'Kane
Scottish Labour



Stephanie Callaghan
Scottish National Party



Sandesh Gulhane
Scottish Conservative
and Unionist Party



Emma Harper
Scottish National Party



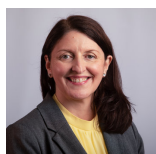
Gillian Mackay
Scottish Green Party



Carol Mochan
Scottish Labour



David Torrance
Scottish National Party



Evelyn Tweed
Scottish National Party



Sue Webber
Scottish Conservative
and Unionist Party

Introduction

1. This report sets out the Health, Social Care and Sport Committee's consideration of two Scottish Statutory Instruments (SSIs) at its meeting on 1 March 2022. The minutes of the meeting have been published on the Committee's webpages. The Official Report of the meeting will be published on the Committee's webpages in due course.

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

2. The Forensic Medical Services (Modification of Functions of Healthcare Improvement Scotland and Supplementary Provision) Regulations 2022 were laid on 27 January 2022. The instrument is subject to the affirmative procedure (Rule 10.6).
3. The policy note states that the purpose of the instrument is to—
 - ” make technical amendments to the National Health Service (Scotland) Act 1978. The amendments ensure that relevant Healthcare Improvement Scotland (HIS) functions extend to forensic medical services in respect of victims of rape and sexual assault (as set out in the FMS Act). The instrument also ensures health boards extend their quality of care requirements to services under the FMS Act.
4. The Delegated Powers and Law Reform Committee (DPLR) considered the instruments at its meeting on [22 February 2022](#). The DPLR Committee agreed that it did not need to draw the Parliament’s attention to the instrument on any grounds within its remit.
5. It is for the Health, Social Care and Sport Committee to recommend to the Parliament whether the Regulations should be approved.
6. The Cabinet Secretary for Health and Social Care, Humza Yousaf has, by motion [S6M-03315](#) proposed that the Committee recommends approval of the Regulations.
7. The Committee took evidence from the Cabinet Secretary for Health and Social Care at its meeting on 1 March 2022.
8. Following the evidence session, the Cabinet Secretary moved motion S6M-03315—That the Health, Social Care and Sport Committee recommends that the Forensic Medical Services (Modification of Functions of Healthcare Improvement Scotland and Supplementary Provision) Regulations 2022 [draft] be approved.
9. The motion was agreed to without division or dissent.
10. The Health, Social Care and Sport Committee recommends to the Scottish Parliament that the Forensic Medical Services (Modification of Functions of Healthcare Improvement Scotland and Supplementary Provision) Regulations 2022 [draft] be approved.

Forensic Medical Services (Self-Referral Evidence Retention Period) (Scotland) Regulations 2022 [draft]

11. The Forensic Medical Services (Self-Referral Evidence Retention Period) (Scotland) Regulations 2022 were laid on 27 January 2022. The instrument is subject to the affirmative procedure (Rule 10.6).
12. The policy note states that the purpose of the instrument is to—
 - ” set the length of time that evidence, such as biological samples, collected during a self-referral Forensic Medical Examination (FME) and stored by health boards, will be retained. This is referred to as the “retention period”. After the retention period has expired, health boards must destroy the evidence.
13. The Delegated Powers and Law Reform Committee (DPLR) considered the instruments at its meeting on [22 February 2022](#) . The DPLR Committee agreed that it did not need to draw the Parliament’s attention to the instrument on any grounds within its remit.
14. It is for the Health, Social Care and Sport Committee to recommend to the Parliament whether the Regulations should be approved.
15. The Cabinet Secretary for Health and Social Care, Humza Yousaf has, by motion [S6M-03316](#) proposed that the Committee recommends approval of the Regulations.
16. The Committee took evidence from the Cabinet Secretary for Health and Social Care at its meeting on 1 March 2022.
17. Following the evidence session, the Cabinet Secretary moved motion S6M-03316— That the Health, Social Care and Sport Committee recommends that the Forensic Medical Services (Self-Referral Evidence Retention Period) (Scotland) Regulations 2022 [draft] be approved.
18. The motion was agreed to without division or dissent.
19. The Health, Social Care and Sport Committee recommends to the Scottish Parliament that the Forensic Medical Services (Self-Referral Evidence Retention Period) (Scotland) Regulations 2022 [draft] be approved.

