



# Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021

## 2021 asp 3

### *The retention service*

#### **7 Return of certain items of evidence**

- (1) This section applies where evidence collected during a forensic medical examination carried out by virtue of section 2(2)(b) and stored by a health board under section 6 includes an item which was worn or otherwise present during the incident which gave rise to the need for the examination.
- (2) The person who underwent the examination may request that the item be returned to the person.
- (3) Subsection (4) applies—
  - (a) where the health board is not satisfied that the requested item belongs to the person who made the request,
  - (b) where the health board considers that the requested item should not be returned to the person on safety grounds,
  - (c) where a request under section 9(2) for the transfer of the requested item to a constable—
    - (i) was made before the making of the request under subsection (2), or
    - (ii) is made after the making of the request under subsection (2) but before the requested item is returned to the person.
- (4) The health board must—
  - (a) refuse the request, and
  - (b) except in a case mentioned in subsection (3)(c), explain the reason for the refusal to the person who made the request as soon as reasonably practicable.
- (5) Otherwise, the health board must comply with the request as soon as reasonably practicable.

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**Changes to legislation:** There are currently no known outstanding effects for the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021, Section 7. (See end of Document for details)

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**Commencement Information**

**II** [S. 7](#) in force at 1.4.2022 by [S.S.I. 2022/24](#), [reg. 2](#)

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