

---

STATUTORY INSTRUMENTS

---

**2022 No. 261**

**The Forensic Medical Services (Victims of Sexual Offences)  
(Scotland) Act 2021 (Consequential Modifications) Order 2022**

**Amendments to section 18 of the 2021 Act**

- 5.—(1) Section 18 of the 2021 Act (interpretation) is amended as follows.
- (2) For the entry for “constable” substitute—
- ““constable” has the same meaning as in section 99(1) of the Police and Fire Reform (Scotland) Act 2012(1) (but see sections 2(12) and 9(4)),”.
- (3) At the appropriate place insert—
- ““service police force” means—
- (a) the Royal Navy Police,
- (b) the Royal Military Police, or
- (c) the Royal Air Force Police.”.
- (4) After subsection (4), insert—
- “(5) In this Act a reference to a sexual offence includes a service offence which involves—
- (a) an element of physical, sexual contact, or
- (b) the ejaculation of semen, or the emission of urine or saliva sexually, onto a person.
- (6) In subsection (1)—
- (a) in the definition of “investigation”—
- (i) the reference to a “criminal investigation” includes an investigation by a service police force of an allegation which indicates, or circumstances which indicate, that a service offence has or may have been committed, and
- (ii) the reference to a “police investigation” includes a reference to an investigation by a service police force of behaviour by a child under the age of 10(2), and
- (b) in the definition of “proceedings”, the reference to “criminal proceedings” includes proceedings in respect of a service offence before—
- (i) the Court Martial,
- (ii) the Service Civilian Court,
- (iii) the Court Martial Appeal Court, or

---

(1) [2012 asp 8](#). There is an amendment to section 99 that is not relevant to this Order.

(2) The new section 18(6)(a) inserted by article 5(4) expands the definition of an investigation in section 18(1) of the 2021 Act, which includes investigations of behaviour by a child under the age of criminal responsibility, to cover equivalent investigations by service police. Service police are responsible for investigating service offences rather than offences under the general criminal law, and the age of criminal responsibility for such offences is 10 in all parts of the United Kingdom, so the new section 18(6)(a)(ii) refers to that age instead of the normal age of criminal responsibility in Scotland.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

(iv) the Supreme Court on an appeal brought from the Court Martial Appeal Court.

(7) In subsections (5) and (6) “service offence” has the meaning given by section 50(2) of the Armed Forces Act 2006<sup>(3)</sup>.”

---

(3) 2006 c. 52. There are amendments to section 50 that are not relevant to this Order.