

Response on behalf of Perth & Kinross Community Safety Partnership

Consultation: Blood Testing following Criminal Incidents where there is a Risk of Infection: Proposals for Legislation

The response is based on the specific questions outlined in the consultation document.

Question 1

There is a stronger case for the protection being available to victims of alleged crime, where the Police are of the opinion that an offence has taken place. Trading Standards and Environmental Health Officers are on occasion working closely with the Police, due to the type of criminal activity being investigated, and therefore protection should be available to them. Lastly, Health Workers should have protection as they have no choice in whether they become involved in hazardous situations.

Question 2

The Community Safety Partnership (CSP) agrees that mandatory blood testing should only be ordered by the Sheriff.

Question 3

On occasion it may be difficult to distinguish between accidental exposure and deliberate exposure, therefore mandatory blood testing should be applied. However, prior to testing the applicant should be required to indicate why there is a concern.

Question 4

The CSP agrees the principle of mandatory blood testing for those who commit serious physical or sexual assaults.

Question 5

The CSP agrees that the provisions for mandatory testing should extend to any type of case where the applicant may have been exposed to a prescribed blood-borne viral infection as a result of a crime being committed by the other party. However, would note that in reality it may be difficult to prove where the infection came from.

Question 6

The CSP thinks that there should not be any variation in these provisions for cases where the suspect is under age.

Question 7

The CSP agrees that persons at risk of infection from a criminal incident should be entitled to seek information from the Procurator Fiscal (PF) about the prescribed blood-borne viral infection risks they may face. However, the PF should ensure they are referred to correct agency for information, such as the GUM clinic. It should also be mandatory that the person at risk receives pre and pro test counselling.

Question 8

The CSP agrees with the proposed criteria for mandatory testing orders.

Question 9

The CSP does not have any comment on the proposed civil application process.

Question 10

The CSP agrees that information provided from mandatory testing orders should be for the sole purpose of benefiting the applicant, and should not be retained by the Police.

Question 11

No, it should be the Sheriff that decides on whether costs should be borne by any party.

Question 12

Is it not the case that an applicant in any court procedure could call upon any assistance which they require ranging from voluntary advocacy to a solicitor or to present their case themselves?