



Access to Health Records Act 1990

1990 CHAPTER 23

Supplemental

8 Applications to the court

- (1) Subject to subsection (2) below, where the court is satisfied, on an application made by the person concerned within such period as may be prescribed by rules of court, that the holder of a health record has failed to comply with any requirement of this Act, the court may order the holder to comply with that requirement.
- (2) The court shall not entertain an application under subsection (1) above unless it is satisfied that the applicant has taken all such steps to secure compliance with the requirement as may be prescribed by regulations made by the Secretary of State.
- (3) For the purposes of subsection (2) above, the Secretary of State may by regulations require the holders of health records to make such arrangements for dealing with complaints that they have failed to comply with any requirements of this Act as may be prescribed by the regulations.
- (4) For the purpose of determining any question whether an applicant is entitled to be given access under section 3(2) above to any health record, or any part of a health record, the court—
 - (a) may require the record or part to be made available for its own inspection; but
 - (b) shall not, pending determination of that question in the applicant's favour, require the record or part to be disclosed to him or his representatives whether by discovery (or, in Scotland, recovery) or otherwise.
- (5) The jurisdiction conferred by this section shall be exercisable by the High Court or a county court or, in Scotland, by the Court of Session or the sheriff.

9 Avoidance of certain contractual terms

Any term or condition of a contract shall be void in so far as it purports to require an individual to supply any other person with a copy of a health record, or of an extract from a health record, to which he has been given access under section 3(2) above.

10 Regulations and orders

- (1) Regulations under this Act may make different provision for different cases or classes of cases including, in particular, different provision for different health records or classes of health records.
- (2) Any power to make regulations or orders under this Act shall be exercisable by statutory instrument.
- (3) Any statutory instrument containing regulations under this Act or an order under section 2(3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

11 Interpretation

In this Act—

“application” means an application in writing and “apply” shall be construed accordingly;

“care” includes examination, investigation, diagnosis and treatment;

“child” means an individual who has not attained the age of 16 years;

“general practitioner” means a medical practitioner who is providing general medical services in accordance with arrangements made under section 29 of the National Health Service Act 1977 or section 19 of the National Health Service (Scotland) Act 1978;

“Health Board” has the same meaning as in the National Health Service (Scotland) Act 1978;

“health service body” means—

- (a) a health authority within the meaning of the National Health Service Act 1977;
- (b) a Health Board;
- (c) a State Hospital Management Committee constituted under section 91 of the Mental Health (Scotland) Act 1984; or
- (d) a National Health Service trust first established under section 5 of the National Health Service and Community Care Act 1990 or section 12A of the National Health Service (Scotland) Act 1978;

“information”, in relation to a health record, includes any expression of opinion about the patient;

“make”, in relation to such a record, includes compile;

“parental responsibility” has the same meaning as in the Children Act 1989.

12 Short title, commencement, and extent

- (1) This Act may be cited as the Access to Health Records Act 1990.
- (2) This Act shall come into force on 1st November 1991.
- (3) This Act does not extend to Northern Ireland.