



# Access to Health Records Act 1990

## 1990 CHAPTER 23

**E+W+S**

An Act to establish a right of access to health records by the individuals to whom they relate and other persons; to provide for the correction of inaccurate health records and for the avoidance of certain contractual obligations; and for connected purposes. [13th July 1990]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**Modifications etc. (not altering text)**

**C1** Act: transfer of functions (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

*Preliminary*

**1 “Health record” and related expressions. **E+W****

- (1) In this Act “health record” means a record which—
- (a) consists of information relating to the physical or mental health of an individual who can be identified from that information, or from that and other information in the possession of the holder of the record; and
  - (b) has been made by or on behalf of a health professional in connection with the care of that individual;

<sup>F1</sup> . . . .

- (2) In this Act “holder”, in relation to a health record, means—
- <sup>F2</sup>(a) in the case of a record made by a health professional performing primary medical services under a general medical services contract made with <sup>F3</sup><sup>F4</sup>[NHS England] or a Local Health Board, the person or body who entered

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- into the contract with [<sup>F5</sup>NHS England] the <sup>F6</sup>... Board (or, in a case where more than one person so entered into the contract, any such person);
- (aa) in the case of a record made by a health professional performing such services in accordance with arrangements under [<sup>F7</sup>section 92 or 107 of the National Health Service Act 2006, or section 50 or 64 of the National Health Service (Wales) Act 2006,] with [<sup>F8</sup>[<sup>F9</sup>NHS England] or a] Local Health Board, the person or body which made the arrangements with [<sup>F10</sup>NHS England] the <sup>F11</sup>... Board (or, in a case where more than one person so made the arrangements, any such person);]
- (b) in the case of a record made by a health professional for purposes connected with the provision of health services by a health service body [<sup>F12</sup>(and not falling within paragraph (aa) above)] , the health service body by which or on whose behalf the record is held;
- (c) in any other case, the health professional by whom or on whose behalf the record is held.
- (3) In this Act “patient”, in relation to a health record, means the individual in connection with whose care the record has been made.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

#### Textual Amendments

- F1** Words in s. 1(1) repealed (1.3.2000) by 1998 c. 29, s. 74(2), **Sch. 16 Pt. I**; S.I. 2000/183, art. 2(1)
- F2** S. 1(2)(a)(aa) substituted for s. 1(2)(a) (E.W.) (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 184, 199(1)(4), **Sch. 11 para. 57(2)**; S.I. 2004/288, **art. 5(1)(2)(v)** (as amended by S.I. 2004/866, art. 2); S.I. 2004/480, **art. 4(2)(z)** (as amended by S.I. 2004/1019, art. 2 and S.I. 2006/345, art. 8)
- F3** Words in s. 1(2)(a) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 63(a)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-10, Sch. para. 15)
- F4** Words in s. 1(2)(a) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 1 para. 3(a)(i)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F5** Words in s. 1(2)(a) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 1 para. 3(a)(ii)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F6** Words in s. 1(2)(a) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 63(a)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-10, Sch. para. 15)
- F7** Words in s. 1(2)(aa) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 135** (with Sch. 3 Pt. 1)
- F8** Words in s. 1(2)(aa) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 63(b)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-10, Sch. para. 15)
- F9** Words in s. 1(2)(aa) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 1 para. 3(b)(i)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F10** Words in s. 1(2)(aa) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 1 para. 3(b)(ii)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F11** Words in s. 1(2)(aa) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 63(b)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-10, Sch. para. 15)
- F12** Words in s. 1(2)(b) inserted (E.W.) (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 184, 199(1)(4), **Sch. 11 para. 57(3)**; S.I. 2004/288, **art. 5(1)(2)(v)** (as amended by S.I. 2004/866, art. 2); S.I. 2004/480, **art. 4(2)(z)** (as amended by S.I. 2004/1019, art. 2 and S.I. 2006/345, art. 8)

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#### Modifications etc. (not altering text)

- C2** S. 1(2)(a) modified (E.) (1.4.2004) by [The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 \(S.I. 2004/865\)](#), **art. 109(2)(c)** and (W.) (1.4.2004) by [The General Medical Services Transitional and Consequential Provisions \(Wales\) \(No. 2\) Order 2004 \(S.I. 2004/1016\)](#), **art. 85(2)(c)**

## 1 “Health record” and related expressions. **S**

- (1) In this Act “health record” means a record which—
- (a) consists of information relating to the physical or mental health of an individual who can be identified from that information, or from that and other information in the possession of the holder of the record; and
  - (b) has been made by or on behalf of a health professional in connection with the care of that individual;

**F1** . . . .

- (2) In this Act “holder”, in relation to a health record, means—
- [<sup>F51</sup>(a)** in the case of a record made by a health professional performing primary medical services under a general medical services contract made with a Health Board, the person who entered into the contract with the Board;
  - (aa)** in the case of a record made by a health professional performing such services in accordance with arrangements under section 17C of the National Health Service (Scotland) Act 1978 with a Health Board, the person who made the arrangements with the Board;]
  - (b)** in the case of a record made by a health professional for purposes connected with the provision of health services by a health service body **[<sup>F52</sup>(and not falling within paragraph (aa) above)]**, the health service body by which or on whose behalf the record is held;
  - (c)** in any other case, the health professional by whom or on whose behalf the record is held.
- (3) In this Act “patient”, in relation to a health record, means the individual in connection with whose care the record has been made.

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F1** Words in s. 1(1) repealed (1.3.2000) by [1998 c. 29, s. 74\(2\)](#), **Sch. 16 Pt. I**; S.I. 2000/183, art. 2(1)
- F51** S. 1(2)(a)(aa) substituted (S.) (1.4.2004) for s.1(2)(a) by [The Primary Medical Services \(Scotland\) Act 2004 \(Modification of Enactments\) Order 2004 \(S.S.I. 2004/167\)](#), art. 2, **Sch. para. 3(2)**
- F52** Words in s. 1(2)(b) inserted (S.) (1.4.2004) by [The Primary Medical Services \(Scotland\) Act 2004 \(Modification of Enactments\) Order 2004 \(S.S.I. 2004/167\)](#), art. 2, **Sch. para. 3(3)**

#### Modifications etc. (not altering text)

- C3** S. 1(2)(a) modified (S.) (1.4.2004) by [The General Medical Services and Section 17C Agreements \(Transitional and other Ancillary Provisions\) \(Scotland\) Order 2004 \(S.S.I. 2004/163\)](#), **art. 96(2)(b)**

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## [<sup>F13</sup>2 Health professionals. **E+W+S**

In this Act, “health professional” has the same meaning as in the Data Protection Act 2018 (see section 204 of that Act).]

### Textual Amendments

**F13** S. 2 substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 37](#) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

### Main provisions

## 3 Right of access to health records. **E+W+S**

- (1) An application for access to a health record, or to any part of a health record, may be made to the holder of the record by any of the following, namely—
- <sup>F14</sup>(a) .....
  - <sup>F14</sup>(b) .....
  - <sup>F14</sup>(cc) .....
  - <sup>F14</sup>(e) .....
  - [<sup>F15</sup>(ee) where the record is held in Scotland and the patient is incapable, within the meaning of the Adults with Incapacity (Scotland) Act 2000 (asp 4) in relation to making or authorising the application, any person entitled to act on behalf of the patient under that Act.]
  - (f) where the patient has died, the patient’s personal representative and any person who may have a claim arising out of the patient’s death.
- (2) <sup>F16</sup>... where an application is made under subsection (1) above the holder shall, within the requisite period, give access to the record, or the part of a record, to which the application relates—
- (a) in the case of a record, by allowing the applicant to inspect the record or, where section 5 below applies, an extract setting out so much of the record as is not excluded by that section;
  - (b) in the case of a part of a record, by allowing the applicant to inspect an extract setting out that part or, where that section applies, so much of that part as is not so excluded; or
  - (c) in either case, if the applicant so requires, by supplying him with a copy of the record or extract.
- (3) Where any information contained in a record or extract which is so allowed to be inspected, or a copy of which is so supplied, is expressed in terms which are not intelligible without explanation, an explanation of those terms shall be provided with the record or extract, or supplied with the copy.
- (4) No fee shall be required for giving access under subsection (2) above <sup>F17</sup>...
- (5) For the purposes of subsection (2) above the requisite period is—
- (a) where the application relates to a record, or part of a record, none of which was made before the beginning of the period of 40 days immediately preceding the date of the application, the period of 21 days beginning with that date;
  - (b) in any other case, the period of 40 days beginning with that date.

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(6) Where—

- (a) an application under subsection (1) above does not contain sufficient information to enable the holder of the record to identify the patient or, <sup>F18</sup> . . . , to satisfy himself that the applicant is entitled to make the application; and
- (b) within the period of 14 days beginning with the date of the application, the holder of the record requests the applicant to furnish him with such further information as he may reasonably require for that purpose,

subsection (5) above shall have effect as if for any reference to that date there were substituted a reference to the date on which that further information is so furnished.

**Textual Amendments**

- F14** S. 3(1)(a)-(e) repealed (1.3.2000) by 1998 c. 29, s. 74(1), **Sch. 16 Pt. I** (with Sch. 14 para. 17(1)(a)); S.I. 2000/183, **art. 2(1)**
- F15** S. 3(1)(ee) inserted (S.) (1.4.2002) by 2000 asp 4, s. 88(2), **Sch. 5 para. 21**; S.S.I. 2001/81, art. 3, **Sch. 2**
- F16** Words in s. 3(2) omitted (25.5.2018) by virtue of Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 38(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F17** Words in s. 3(4) omitted (25.5.2018) by virtue of Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 38(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F18** Words in s. 3(6)(a) repealed (1.3.2000) by 1998 c. 29, s. 74(1), Sch. 4 para. 17(1), **Sch. 16 Pt. I** (with Sch. 14 para. 17(1)(a)); S.I. 2000/183, **art. 2(1)**

**4 Cases where right of access may be wholly excluded. E+W+S**

<sup>F19</sup>(1) . . . . .

<sup>F19</sup>(2) . . . . .

- (3) Where an application is made under subsection (1)(f) of section 3 above, access shall not be given under subsection (2) of that section if the record includes a note, made at the patient's request, that he did not wish access to be given on such an application.

**Textual Amendments**

- F19** S. 4(1)(2) repealed (1.3.2000) by 1998 c. 29, s. 74(2), **Sch. 16 Pt. I**; S.I. 2000/183, art. 2(1)

**5 Cases where right of access may be partially excluded. E+W+S**

(1) Access shall not be given under section 3(2) above to any part of a health record—

- (a) which, in the opinion of the holder of the record, would disclose—
  - (i) information likely to cause serious harm to the physical or mental health <sup>F20</sup> . . . of any <sup>F20</sup> . . . individual; or
  - (ii) information relating to or provided by an individual, other than the patient, who could be identified from that information; or
- (b) which was made before the commencement of this Act.

(2) Subsection (1)(a)(ii) above shall not apply—

- (a) where the individual concerned has consented to the application; or

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(b) where that individual is a health professional who has been involved in the care of the patient;

and subsection (1)(b) above shall not apply where and to the extent that, in the opinion of the holder of the record, the giving of access is necessary in order to make intelligible any part of the record to which access is required to be given under section 3(2) above.

- (3) <sup>F21</sup> Access shall not be given under section 3(2) to any part of a health record] which, in the opinion of the holder of the record, would disclose—
- (a) information provided by the patient in the expectation that it would not be disclosed to the applicant; or
  - (b) information obtained as a result of any examination or investigation to which the patient consented in the expectation that the information would not be so disclosed.
- (4) Where an application is made under subsection (1)(f) of section 3 above, access shall not be given under subsection (2) of that section to any part of the record which, in the opinion of the holder of the record, would disclose information which is not relevant to any claim which may arise out of the patient's death.
- (5) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed by the regulations, access shall not be given under section 3(2) above to any part of a health record which satisfies such conditions as may be so prescribed.

#### Textual Amendments

**F20** Words in s. 5(1)(a)(i) repealed (1.3.2000) by 1998 c. 29, s. 74(2), Sch. 16 Pt. I; S.I. 2000/183, art. 2(1)

**F21** Words in s. 5(3) substituted (1.3.2000) by 1998 c. 29, s. 74(1), Sch. 15 para. 13; S.I. 2000/183, art. 2(1)

## 6 Correction of inaccurate health records. **E+W+S**

- (1) Where a person considers that any information contained in a health record, or any part of a health record, to which he has been given access under section 3(2) above is inaccurate, he may apply to the holder of the record for the necessary correction to be made.
- (2) On an application under subsection (1) above, the holder of the record shall—
- (a) if he is satisfied that the information is inaccurate, make the necessary correction;
  - (b) if he is not so satisfied, make in the part of the record in which the information is contained a note of the matters in respect of which the information is considered by the applicant to be inaccurate; and
  - (c) in either case, without requiring any fee, supply the applicant with a copy of the correction or note.
- (3) In this section “inaccurate” means incorrect, misleading or incomplete.

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## 7 Duty of health service bodies etc. to take advice. **E+W+S**

- (1) A health service body<sup>F22</sup> . . . shall take advice from the appropriate health professional before they decide whether they are satisfied as to any matter for the purposes of this Act, or form an opinion as to any matter for those purposes.
- (2) In this section “the appropriate health professional”, in relation to a health service body<sup>F23</sup> . . . , means—
  - (a) where, for purposes connected with the provision of health services by the body, one or more medical or dental practitioners are currently responsible for the clinical care of the patient, that practitioner or, as the case may be, such one of those practitioners as is the most suitable to advise the body on the matter in question;
  - (b) where paragraph (a) above does not apply but one or more medical or dental practitioners are available who, for purposes connected with the provision of such services by the body, have been responsible for the clinical care of the patient, that practitioner or, as the case may be, such one of those practitioners as was most recently so responsible; and
  - (c) where neither paragraph (a) nor paragraph (b) above applies, a health professional who has the necessary experience and qualifications to advise the body on the matter in question.
- (3)<sup>F24</sup> .....

### Textual Amendments

- F22** Words in s. 7(1) repealed (28.6.1995 for certain purposes and otherwise at 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5(1), 8(1), Sch. 1 Pt. III para. 119(3)(a), **Sch. 3** (with Sch. 2 paras. 6, 16)
- F23** Words in s. 7(2) repealed (E.W.) (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 184, 196, 199, Sch. 11 para. 57(4)(a), **Sch. 14 Pt. 4**; S.I. 2004/288, **art. 5(1)(2)(v)** (as amended by S.I. 2004/866, art. 2); S.I. 2004/480, **art. 4(2)(z)** (as amended by S.I. 2004/1019, art. 2 and S.I. 2006/345, art. 8); and repealed (S.) (1.4.2004) by The Primary Medical Services (Scotland) Act 2004 (Modification of Enactments) Order 2004 (S.S.I. 2004/167), art. 2, **Sch. para. 3(4)(a)**
- F24** S. 7(3) repealed (E.W.) (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 184, 196, 199, Sch. 11 para. 57(4)(b), **Sch. 14 Pt. 4**; S.I. 2004/288, **art. 5(1)(2)(v)** (as amended by S.I. 2004/866, art. 2); S.I. 2004/480, **art. 4(2)(z)** (as amended by S.I. 2004/1019, art. 2 and S.I. 2006/345, art. 8); and repealed (S.) (1.4.2004) by The Primary Medical Services (Scotland) Act 2004 (Modification of Enactments) Order 2004 (S.S.I. 2004/167), art. 2, **Sch. para. 3(4)(b)**

### Supplemental

## 8 Applications to the court. **E+W+S**

- (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.

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- (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 [<sup>F25</sup>the county court] or, in Scotland, by the Court of Session or the sheriff.

#### Textual Amendments

**F25** Words in s. 8(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))

## 9 Avoidance of certain contractual terms. **E+W+S**

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. **E+W+S**

- (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 <sup>F26</sup> . . . 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.

#### Textual Amendments

**F26** Words in s. 10(2) repealed (1.3.2000) by [1998 c. 29, s. 74\(2\)](#), [Sch. 16 Pt. I](#); [S.I. 2000/183, art. 2\(1\)](#)

## 11 Interpretation. **E+W+S**

In this Act—

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

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



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F27  
...

[<sup>F28</sup>“general medical services contract” means a contract under [<sup>F29</sup> section 84 of the National Health Service Act 2006 or section 42 of the National Health Service (Wales) Act 2006];]

[<sup>F30</sup>“general medical services contract” means a contract under section 17J of the National Health Service (Scotland) Act 1978]

F31  
.....

[<sup>F32</sup>[<sup>F33</sup>“Health Authority” means a Health Authority established under section 8 of the National Health Service Act 1977;]

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

“health service body” means—

- (a) [<sup>F34</sup>[<sup>F35</sup>a <sup>F36</sup>... Health Authority][<sup>F37</sup>, Special Health Authority [<sup>F38</sup>[<sup>F39</sup>or Local] Health Board]<sup>F40</sup>...];
- (b) a Health Board;
- (c) [<sup>F41</sup>a State Hospital Management Committee constituted under section 91 of the <sup>M1</sup>Mental Health (Scotland) Act 1984; [<sup>F42</sup>or]]
- (d) a National Health Service trust first established under section 5 of the <sup>M2</sup>National Health Service and Community Care Act 1990 [<sup>F43</sup>, section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006] or section 12A of the National Health Service (Scotland) Act 1978;
- (e) [<sup>F44</sup>an NHS foundation trust;]
- (f) [<sup>F45</sup>NHS England;]

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

[<sup>F46</sup>“Local Health Board” means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;]

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

F27  
...

F47  
...

[<sup>F48</sup>“Special Health Authority” means a Special Health Authority established under [<sup>F49</sup>section 28 of the National Health Service Act 2006 or section 22 of the National Health Service (Wales) Act 2006].]

F50  
...]]

### Textual Amendments

- F27** Definitions of “child” and “parental responsibility” repealed (1.3.2000) by [1998 c. 29, s. 74\(2\) Sch. 16 Pt. I](#); [S.I. 2000/183, art. 2\(1\)](#)
- F28** S. 11: definition of “general medical services contract” inserted (E.W.) (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\), ss. 184, 199, Sch. 11 para. 57\(5\)\(a\)](#); [S.I. 2004/288, art. 5\(1\)\(2\)\(v\)](#) (as amended by [S.I. 2004/866, art. 2](#)); [S.I. 2004/480, art. 4\(2\)\(z\)](#) (as amended by [S.I. 2004/1019, art. 2](#))
- F29** In s. 11 words in definition of “general medical services contract” substituted (E.W.) (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), ss. 2, 8, Sch. 1 para. 136\(a\)](#) (with [Sch. 3 Pt. 1](#))

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- F30** S. 11: definition of "general medical services contract" inserted (S.) (1.4.2004) by The Primary Medical Services (Scotland) Act 2004 (Modification of Enactments) Order 2004 (S.S.I. 2004/167), art. 2, **Sch. para. 3(5)(a)**
- F31** S. 11: definition of "general practitioner" repealed (E.W.) (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 184, 196, 199, Sch. 11 para. 57(5)(b), **Sch. 14 Pt. 4**; S.I. 2004/288, arts. {5(1)(2)(v)}, {6(2)(j)} (as amended by S.I. 2004/866, art. 2); S.I. 2004/480, arts. {4(2)(z)}, {5(2)(j)} (as amended by S.I. 2004/1019, art. 2); and omitted (S.) (1.4.2004) by virtue of The Primary Medical Services (Scotland) Act 2004 (Modification of Enactments) Order 2004 (S.S.I. 2004/167), art. 2, **Sch. para. 3(5)(b)**
- F32** S. 11: definition of "Health Authority" repealed (E.W.) (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 6, 8, Sch. 1 para. 136(b), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)
- F33** Definition of "Health Authority" inserted (28.6.1995) by 1995 c. 17, s. 2(1), **Sch. 1 Pt. III para. 119(4)(a)** (with Sch. 2 paras. 6, 16)
- F34** Para. (a) in definition of "health service body" substituted (28.6.1995) by 1995 c. 17, s. 2(1), **Sch. 1 Pt. III para. 119(4)(b)** (with Sch. 2 paras. 6, 16)
- F35** S. 11: words in para. (a) of definition of "health service body" substituted (1.10.2002) by S.I. 2002/2469, reg. 4, **Sch. 1 Pt. 1 para. 17(a)**
- F36** Words in s. 11 omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 64(a)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F37** Words in the definition of "health service body" in s. 11 substituted (E.W.) (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1 para. 25(a)**
- F38** S. 11: words in definition of "health service body" inserted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), art. 3, **Sch. para. 21(2)(a)**
- F39** Words in s. 11 substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 64(a)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F40** Words in s. 11 omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 64(a)(iii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F41** S. 11: definition of "health service body" para. (c) repealed (S.) (5.10.2005) by Mental Health (Care and Treatment) (Scotland) Act 2003 (asp. 13), ss. 331(2)(3), 333(2)-(4), **Sch. 5 Pt. 1**; S.S.I. 2005/161, **art. 3** (as amended by S.S.I. 2005/375, art. 2)
- F42** Word in s. 11 repealed (E.W.) (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 34, 196, 199, Sch. 4 para. 88, **Sch. 14 Pt. 1**; S.I. 2004/759, **art. 2**; S.I. 2004/288, **art. 6(2)(j)** (as amended by S.I. 2004/866, art. 2); S.I. 2004/480, **art. 5(2)(z)** (as amended by S.I. 2004/1019, art. 2)
- F43** In s. 11 words in definition of "health service body" para. (d) inserted (E.W.) (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 136(c)** (with Sch. 3 Pt. 1)
- F44** S. 11: definition of "health service body" para. (e) inserted (E.W.) (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 34, 199, **Sch. 4 para. 88**; S.I. 2004/759, **art. 2**
- F45** Words in s. 11 substituted (1.2.2023) by The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 6** (with reg. 3)
- F46** S. 11: definition of "Local Health Board" inserted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), art. 3, **Sch. para. 21(2)(b)**
- F47** Definition of "Primary Care Trust" in s. 11 omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 64(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F48** Definition of "Special Health Authority" inserted (28.6.1995) by 1995 c. 17, s. 2(1), **Sch. 1 Pt. III para. 119(4)(c)** (with Sch. 2, paras. 6, 16)
- F49** In s. 11 words in definition of "Special Health Authority" substituted (E.W.) (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 136(e)** (with Sch. 3 Pt. 1)

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**F50** Definition of “Strategic Health Authority” in s. 11 omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 64\(c\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

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**Marginal Citations**

**M1** 1984 c. 36.

**M2** 1990 c. 19.

**12 Short title, commencement, and extent.** **E+W+S**

- (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.

**Changes to legislation:**

Access to Health Records Act 1990 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- s. 1(2)(a) words inserted by [2022 c. 31 Sch. 3 para. 44\(a\)\(i\)](#)
- s. 1(2)(a) words substituted by [2022 c. 31 Sch. 3 para. 44\(a\)\(ii\)](#)
- s. 1(2)(aa) words inserted by [2022 c. 31 Sch. 3 para. 44\(c\)\(ii\)](#)
- s. 1(2)(aa) words substituted by [2022 c. 31 Sch. 3 para. 44\(c\)\(i\)](#)
- s. 1(2)(aa) words substituted by [2022 c. 31 Sch. 3 para. 44\(c\)\(iii\)](#)
- s. 3(4) words inserted by [2009 c. 25 Sch. 21 para. 29\(3\)](#)
- s. 11 words omitted by [2012 c. 7 Sch. 14 para. 55](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(2)(aza) inserted by [2022 c. 31 Sch. 3 para. 44\(b\)](#)
- s. 3(1)(g) inserted by [2009 c. 25 Sch. 21 para. 29\(2\)](#)