



Access to Health Records Act 1990

1990 CHAPTER 23

Main provisions

7 Duty of health service bodies etc. to take advice.

- (1) A health service body^{F1} . . . 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^{F2} . . . , 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)^{F3}

Textual Amendments

- F1** Words in s. 7(1) repealed (28.6.1995 for certain purposes and otherwise at 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5(1), 8(1), Sch. 1 Pt.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)
- F2** Words in s. 7(2) repealed (E.W) (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 184, 196, 199, Sch. 11 para. 57(4)(a), **Sch. 14 Pt. 4**;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.

Changes to legislation: Access to Health Records Act 1990, Section 7 is up to date with all changes known to be in force on or before 25 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. (See end of Document for details) [View outstanding changes](#)

2004/1019, art. 2 and S.I. 2006/345, art. 8); and repealed (S.) (1.4.2004) by The Primary Medical Services (Scotland) Act 2004 (Modification of Enactments) Order 2004 (S.S.I. 2004/167), art. 2, **Sch.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)**

F3 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)**

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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\(2\)](#)