

CHAPTER 79

APPLICATIONS UNDER THE ACCESS TO HEALTH RECORDS ACT 1990

Application and interpretation of this Chapter

79.1.-(1) This Chapter applies to an application under section 8(1) of the Access to Health Records Act 1990(a) (application for order for holder of health record to comply with requirement of the Act).

(2) In this Chapter-

"the Act of 1990" means the Access to Health Records Act 1990;

"the Regulations" means the Access to Health Records (Steps to Secure Compliance and Complaints Procedures) (Scotland) Regulations 1991(b);

"complaint" means a written notice of complaint under regulation 3 or 4 of the Regulations;

"report" means a report under regulation 6 of the Regulations.

Form of applications etc.

79.2.-(1) An application under section 8(1) of the Act of 1990 shall be made by petition.

(2) A petition under paragraph (1) shall state those steps prescribed in the Regulations which have been taken to secure compliance with the Act of 1990.

(3) On presentation of the petition, there shall be lodged in process as productions-

(a) a copy of the application under section 3 (access to health record) or section 6 (correction of inaccurate health record), as the case may be, of the Act of 1990;

(b) a copy of the complaint; and

(c) if applicable, a copy of the report.

Time-limit for applications

79.3. An application under section 8(1) of the Act of 1990 may not be made unless the petition is presented-

(a) where the applicant has received a report, within one year of the date after the report; or

(b) where the applicant has not received a report, within 18 months after the date of the complaint.

(a) 1990 c.23.

(b) S.I. 1991/2295.