
STATUTORY INSTRUMENTS

1991 No. 2652 (S.208)

COURT OF SESSION, SCOTLAND

**Act of Sederunt (Rules of the Court of Session
Amendment No.11) (Applications under the
Access to Health Records Act 1990) 1991**

Made - - - - 22nd November
1991
Coming into force - - 16th December 1991

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 5 of the Court of Session Act 1988(1) and of all other powers enabling them in that behalf, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session Amendment No. 11) (Applications under Access to Health Records Act 1990) 1991 and shall come into force on 16th December 1991.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

2. After rule 260X (Miscellaneous Provisions) of the Rules of the Court of Session(2) insert the following Section and rule:—

“Section 20

APPLICATIONS UNDER SECTION 8(1) OF THE
ACCESS TO HEALTH RECORDS ACT 1990

Applications

260Y.—(1) This Section applies to applications under section 8(1) of the Access to Health Records Act 1990(3).

(2) In this Section—

(1) 1988 c. 36.
(2) S.I.1965/321; rule 260X was inserted by S.I. 1988/615.
(3) 1990 c. 13.

“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 Compliant Procedures) (Scotland) Regulations 1991(4);

“compliant” means a written notice of complaint under regulations 3 or 4 of the Regulations;

“report” means a report under regulation 6 of the Regulations.

(3) An application under section 8(1) of the Act of 1990 shall be made by petition presented to the Outer House.

(4) 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 of the report;
- (b) where the applicant has not received a report, within 18 months of the date of the complaint;

(5) A petition under paragraph (3) shall state those steps prescribed in the Regulations which have been taken to secure compliance with the Act of 1990.

(6) Such a petition, when presented, shall be accompanied by—

- (a) a copy of the application under section 3 of the Act of 1990 for access to the health record in question;
- (b) a copy of the compliant;
- (c) if applicable, a copy of the report.”.

Edinburgh
22 November 1991

J.A.D. Hope
Lord President, IPD

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt provides that an application to the Court of Session for an order that the holder of a health record has failed to comply with a requirement of the Access to Health Records Act 1990 must be made by way of petition. The Act of Sederunt also provides time limits within such an application must be made.