Access to Medical Reports Act 1988

1988 CHAPTER 28

2 Interpretation.

(1) In this Act—

“the applicant” means the person referred to in section 3(1) below;

“care” includes examination, investigation or diagnosis for the purposes of, or in connection with, any form of medical treatment;

“employment purposes”, in the case of any individual, means the purposes in relation to the individual of any person by whom he is or has been, or is seeking to be, employed (whether under a contract of service or otherwise);

“health professional” has the same meaning as in the Data Protection Act 2018 (see section 204 of that Act);

“insurance purposes”, in a case of any individual who has entered into, or is seeking to enter into, a contract of insurance with an insurer, means the purposes of that insurer in relation to that individual;

“insurer” means—

(a) a person who has permission under Part 4A of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance;

(b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out relevant contracts of insurance.

“medical practitioner” means a person registered under the Medical Act 1983;

“medical report”, in the case of an individual, means a report relating to the physical or mental health of the individual prepared by a medical practitioner who is or has been responsible for the clinical care of the individual.

(1A) The definitions of “insurance purposes” and “insurer” in subsection (1) must be read with—

(a) section 22 of the Financial Services and Markets Act 2000;

(b) any relevant order under that section; and
(c) Schedule 2 to that Act.]

(2) Any reference in this Act to the supply of a medical report for employment or insurance purposes shall be construed—

(a) as a reference to the supply of such a report for employment or insurance purposes which are purposes of the person who is seeking to be supplied with it; or

(b) (in the case of a report that has already been supplied) as a reference to the supply of such a report for employment or insurance purposes which, at the time of its being supplied, were purposes of the person to whom it was supplied.

Annotations:

Amendments (Textual)
F1 Words in s. 2(1) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), Sch. 19 para. 34 (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
F2 Definitions of “insurance purposes” and “insurer” in s. 2(1) substituted (1.12.2001) for definition of “insurance purposes” by S.I. 2001/3649, arts. 1, 311(2)
F3 Words in s. 2(1) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), Sch. 18 para. 59 (with Sch. 20); S.I. 2013/423, Sch.
F4 S. 2(1A) inserted (1.12.2001) by S.I. 2001/3649, arts. 1, 311(3)

Modifications etc. (not altering text)
C1 S. 2(1) amended (9.5.1998) by 1993 c. 21, ss. 38(4)(5); S.I. 1998/1138, art. 2(e)(viii) (which s. 38 of the 1993 Act was repealed (1.3.2000) by 1998 c. 29, s. 74(2), Sch. 16 Pt. I; S.I. 2000/183, art. 2(1))
C2 S. 2(1) amended (prosp.) by 1994 c. 17, ss. 38(5)(6), 44(3) (which s. 38 of the 1994 Act was repealed (1.3.2000) by 1998 c. 29, s. 74(2), Sch. 16 Pt. I; S.I. 2000/183, art. 2(1))

Marginal Citations
M1 1983 c. 54.
Changes to legislation:
Access to Medical Reports Act 1988, Section 2 is up to date with all changes known to be in force on or before 31 December 2018. 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.

Changes and effects yet to be applied to:
– s. 2(1) words omitted by S.I. 2018/1149 Sch. para. 30