



# Access to Health Records Act 1990

## 1990 CHAPTER 23

### *Supplemental*

#### **8 Applications to the court.**

- (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.
- (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>F1</sup>the county court] or, in Scotland, by the Court of Session or the sheriff.

#### **Textual Amendments**

- F1** 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)

**Changes to legislation:**

Access to Health Records Act 1990, Section 8 is up to date with all changes known to be in force on or before 22 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.

[View outstanding changes](#)

**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\(2\)](#)