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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 148**

**Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) Amendment 2000**

**Amendment of the Summary Applications, Statutory Applications and Appeals etc. Rules 1999**

2.—(1) The Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999(1) shall be amended in accordance with the following paragraph.

(2) In Chapter 3 (rules on applications under specific statutes), after Part XIII (Sex Discrimination Act 1975), insert the following:—

**“PART XIV**

**ACCESS TO HEALTH RECORDS ACT 1990**

**Interpretation and application**

**3.14.1.**—(1) In this Part—

“the Act” means the Access to Health Records Act 1990; and

“the Reg” means the Access to Health Records (Steps to Secure Compliance and Complaints Procedures) (Scotland) Regulations 1991(2).

(2) This Part applies to applications under section 8(1) of the Act (applications to the court for order to comply with requirement of the Act).

**Accompanying documents**

**3.14.2** An application shall specify those steps prescribed in the Regulations which have been taken by the person concerned to secure compliance with any requirement of the Act, and when lodged in process shall be accompanied by—

- (a) a copy of the application under section 3 of the Act (applications for access to a health record)(3);
- (b) a copy of the complaint under regulation 3 or 4 of the Regulations (complaint about non-compliance with the Act); and
- (c) if applicable, a copy of the report under regulation 6 of the Regulations (report in response to complaint).

**Time of making application**

**3.14.3** The application shall be made where the applicant—

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(1) S.I.1999/929.

(2) S.I. 1991/2295.

(3) Section 3 was amended by the Children (Scotland) Act 1995 (c. 36), Schedule 4, paragraph 50.

- (a) has received a report in accordance with regulation 6 of the Regulations, within one year of the date of the report;
- (b) has not received such a report, within 18 months of the date of the complaint.

## PART XV

### RACE RELATIONS ACT 1976

#### Interpretation

**3.15.1** In this Part—

“the Act” means the Race Relations Act 1976; and

“the Commission” means the Commission for Racial Equality established under section 43 of the Act.

#### Application

**3.15.2** This Part shall apply to the following proceedings under the Act:—

- (a) an application by the Commission under section 50(4) for an order requiring a person to comply with a notice served on him under section 50(1);
- (b) an appeal by a person under section 59(1) against the requirement of a non discrimination notice served on him under section 58;
- (c) an application by the Commission under section 62(1) for an order restraining a person from doing any of the acts referred to in that section;
- (d) an application by the Commission under section 63(2) for a decision whether an alleged contravention of section 29, 30 or 31 has occurred;
- (e) an application by the Commission under section 63(4) for an order restraining a person from doing any of the acts referred to in that section; and
- (f) an application by a person under section 72(5) for an order removing or modifying any term of a contract made unenforceable by section 72(2)(4).

#### Intimation of proceedings

**3.15.3** When any proceedings are brought under section 57 of the Act the applicant shall send by recorded delivery post a copy of the initial writ initiating the action to the Commission.

#### Taxation

**3.15.4** The expenses incurred by the Commission within the meaning and for the purposes of section 66(5) of the Act, shall be taxed or assessed by the Auditor of the Sheriff Court in which proceedings under the Act were taken or would have been taken but for any compromise or settlement, as if they were outlays incurred by a solicitor on behalf of the applicant.”.