

---

STATUTORY INSTRUMENTS

---

**1991 No. 2607 (S.204)**

**SHERIFF COURT, SCOTLAND**

**Act of Sederunt (Access to Health Records Rules) 1991**

*Made - - - - 15th November 1991*

*Coming into force - - 26th November 1991*

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 32 of the Sheriff Courts (Scotland) Act 1971<sup>(1)</sup> and of all other powers enabling them in that behalf, do hereby enact and declare:

**Citation, commencement and interpretation**

1.—(1) This Act of Sederunt may be cited as the Act of sederunt (Access to Health Records Rules) 1991 and shall come into force on 26th November 1991.

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

(3) In this Act of Sederunt—

“the Act” means the Access to Health Records Act 1990<sup>(2)</sup>;

“the regulations” means a regulation in the Access to Health Records (Steps to Secure Compliance and Complaints Procedures) (Scotland) Regulations 1991<sup>(3)</sup>.

**Applications**

2.—(1) An application under section 8(1) of the Act (applications to the court for order to comply with requirement of the Act) shall be made by summary application.

(2) A summary application under paragraph (1) of this rule 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.

(3) Such a summary application, 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);

(b) a copy of the complaint under regulation 3 or 4 of the Regulations (complaint about non-compliance with the Act); and

---

(1) 1971 c. 58.

(2) 1990 c. 23.

(3) S.I.1991/2295.

---

**Status:** This is the original version (as it was originally made).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

---

- (c) if applicable, a copy of the report under regulation 6 of the Regulations (report in response to complaint).

**Periods**

- 3. The application shall be made where the applicant—
  - (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.

Edinburgh  
15th 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**Status:** This is the original version (as it was originally made).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 Sheriff Court 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 a summary application. The Act of Sederunt also provides time limits within which such an application must be made.