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STATUTORY INSTRUMENTS

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**1992 No. 1852**

**The Access to Personal Files  
(Housing) (Scotland) Regulations 1992**

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Access to Personal Files Act 1987;

“appropriate health professional” means—

- (a) the medical practitioner or dental practitioner who is currently or was most recently responsible for the clinical care of—
  - (i) the tenant where he is the subject of the accessible personal information to which access is sought; or
  - (ii) the member of the tenant’s family in respect of whom the tenant is treated as the subject of that accessible personal information,in relation to the matters to which the reequest for access relates;
- (b) where there is more than one such practitioner, the practitioner who is the most suitable to advise on the matters to which the request for access relates; or
- (c) where there is no practitioner available falling within sub-paragraph (a) or (b) above, a health professional who has the necessary experience and qualifications to advise on the matters to which the request for access relates;

“care” includes examination, investigation and diagnosis;

“dental practitioner” means a person registered under the Dentists Act 1984((1));

“health board” means a health board constituted under section 2 of the National Health Service (Scotland) Act 1978((2));

“health professional” means any person listed in the Schedule to these Regulations;

“housing authority” means a local authority, a development corporation((3)) or Scottish Homes;

“medical practitioner” means a person registered under the Medical Act 1983((4));

“National Health Service trust” means a National Health Service Trust established under section 12A of the National Health Service (Scotland) Act 1978((5));

“tenant” means—

- (a) the tenant of a dwellinghouse where the immediate landlord is a housing

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(1) 1984 c. 24.

(2) 1978 c. 29; section 2 was amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), Schedule 9, paragraph 19(1) and (2).

(3) “local authority” and “development corporation” are defined in paragraph 2(2) of Schedule 2 to the Act.

(4) 1983 c. 54.

(5) 1978 (c. 29); section 12A was inserted by section 31 of the 1990 Act.

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

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- (b) the former tenant of a dwellinghouse where at any time the immediate landlord was a housing authority; or
- (c) any person who is in the process of applying for, or who has applied for, a tenancy of a dwellinghouse from a housing authority.

(2) In these Regulations any reference to a numbered regulation is a reference to a regulation bearing that number in these Regulations and any reference in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number.