Changes to legislation: *The Access to Personal Files and Medical Reports (Northern Ireland) Order 1991 is up to date with all changes known to be in force on or before 11 March 2022. 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. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1991 No. 1707 (N.I. 14)

The Access to Personal Files and Medical Reports (Northern Ireland) Order 1991

- - - - - - *24th July 1991*

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Access to Personal Files and Medical Reports (Northern Ireland) Order 1991.

(2) This Part shall come into operation on the expiration of 2 months from the day on which this Order is made, Part III shall come into operation on the expiration of 5 months from that day and Part II shall come into operation on such day or days as the chief executive member may by order appoint.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

PART II (Arts. 3#5) rep. with saving by 1998 c. 29

PART III

ACCESS TO MEDICAL REPORTS

Interpretation of Part III

6.—(1) In this Part—

"the applicant" means the person referred to in Article 8(1);

"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**[**F1 the Data Protection Act 1998**]**F1;

[F2"insurance purposes", in the 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 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance; or

(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.**]**

F2"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.

[F2(1A) The definitions of "insurance purposes" and "insurer" in paragraph (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.**]**

F2(2) Any reference in this Part 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.

F1 1998 c.29
F2 SI 2001/3649

Right of access to certain medical reports

7.—(1) It shall be the right of an individual to have access, in accordance with the provisions of this Part, to any medi cal report relating to the individual which is to be, or has been, supplied by a medical practitioner for employment purposes or insurance purposes.

(2) Nothing in this Part applies to a medical report prepared before the coming into operation of this Part.

Consent to applications for medical reports for employment or insurance purposes

8.—(1) A person shall not apply to a medical practitioner for a medical report relating to any individual to be supplied to him for employment or insurance purposes unless—

(a) that person ("the applicant") has notified the individual that he proposes to make the application; and

(b) the individual has notified the applicant that he consents to the making of the application.

(2) Any notification given under paragraph (1)(a) must inform the individual of his right to withhold his consent to the making of the application, and of the following rights under this Part , namely—

(a) the rights arising under Articles 9(1) to (3) and 11(2) with respect to access to the report before or after it is supplied;

(b) the right to withhold consent under Article 10(1); and

(c) the right to request the amendment of the report under Article 10(2),

as well as of the effect of Article 12.

Access to medical reports before they are supplied

9.—(1) An individual who gives his consent under Article 8 to the making of an application shall be entitled, when giving his consent, to state that he wishes to have access to the report to be supplied in response to the application before it is so supplied; and, if he does so, the applicant shall—

(a) notify the medical practitioner of that fact at the time when the application is made, and

(b) at the same time notify the individual of the making of the application;

and each such notification shall contain a statement of the effect of paragraph (2).

(2) Where a medical practitioner is notified by the applicant under paragraph (1) that the individual in question wishes to have access to the report before it is supplied, the practitioner shall not supply the report unless—

(a) he has given the individual access to it and any requirements of Article 10 have been complied with; or

(b) the period of 21 days beginning with the date of the making of the application has elapsed without his having received any communication from the individual concerning arrangements for the individual to have access to it.

(3) Where a medical practitioner—

(a) receives an application for a medical report to be supplied for employment or insurance purposes without being notified by the applicant as mentioned in paragraph (1); but

(b) before supplying the report receives a notification from the individual that he wishes to have access to the report before it is supplied,

the practitioner shall not supply the report unless—

(i) he has given the individual access to it and any requirements of Article 10 have been complied with; or

(ii) the period of 21 days beginning with the date of that notification has elapsed without his having received (either with that notification or otherwise) any communication from the individual concerning arrangements for the individual to have access to it.

(4) References in this Article and Article 10 to giving an individual access to a medical report are references to—

(a) making the report or a copy of it available for his inspection; or

(b) supplying him with a copy of it;

and where a copy is supplied at the request, or otherwise with the consent, of the individual the practitioner may charge a reasonable fee to cover the costs of supplying it.