



General Register Office for Scotland
information about Scotland's people

Paper NHSCR GB 5/06
National Health Service Central Register (Scotland)
Regulations 2006

August 2006
(reissued for discussion on 7 November 2006)

National Health Service Central Register (Scotland) Regulations 2006

Background

1. At its meeting on 8 May 2006, the Board noted progress with the Bill which was intended to give the Registrar General explicit powers to run the NHSCR and to share information with local authorities for the Citizen's Account. It was agreed that the subordinate legislation which was necessary before the new provisions came into effect, would be put to the Governance Board before it was finalised.

From Bill to Act

2. At the time of the last meeting, the Bill had just been debated for the first time by the Scottish Parliament. The Bill subsequently passed its remaining stages, being approved by the Parliament on 22 June and receiving Royal Assent on 1 August. The section dealing with the NHSCR continued to attract no attention. The Act is on the internet at <http://www.opsi.gov.uk/legislation/scotland/s-acts2006a.htm>.

Implementing the Act

3. Section 57 of the Act, which concerns the NHSCR, will come into effect on 1 October. That will allow us also to make Regulations to supplement the information which can be held on the NHSCR and list the bodies with which the information on the NHSCR may be shared. We aim to bring these Regulations into effect on 11 November – subject to approval by the Parliament (“negative resolution procedure” means that they come into effect automatically unless Parliament objects).

4. A draft of the Regulations is attached, together with the Executive Note which explains the context.

Action

5. Board Members are invited to let me know **by Tuesday 19 September** if they have any comments on the draft Regulations. I am happy to have a word (0131 314 4435) if there is anything puzzling in this (slightly complicated) process!

Duncan Macniven
General Register Office for Scotland
August 2006

SCOTTISH STATUTORY INSTRUMENTS

2006 No.**REGISTRATION OF BIRTHS, DEATHS, MARRIAGES, ETC.**

The National Health Service Central Register (Scotland) Regulations 2006

*Made - - - - - October 2006**Laid before the Scottish Parliament October 2006**Coming into force - - - 11th November 2006*

The Registrar General, in exercise of the powers conferred by sections 57(2)(f), (3)(i), (4) to (7) and 61(2) of the Local Electoral Administration and Registration Services (Scotland) Act 2006(1) and of all other powers enabling him in that behalf, with the approval of the Scottish Ministers in accordance with section 60(1) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the National Health Service Central Register (Scotland) Regulations 2006 and shall come into force on 11th November 2006.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Local Electoral Administration and Registration Services (Scotland) Act 2006;

“the Common Services Agency” means the Common Services Agency for the Scottish Health Service;

“entry information” means information contained in a particular individual’s entry in the register—

(a) under section 57(3)(a) to (h) of the Act; or

(b) prescribed in column 1 of Schedule 1;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(2);

“the individual” means the individual person whose information an entry in the register contains; and

“the register” means the central register for health and local authority purposes held by the Registrar General under section 57 of the Act.

(2) Any word or expression used in these Regulations which is also used in the Registration of Births, Deaths and Marriages (Scotland) Act 1965(3) or the Act has the same meaning for the purposes of these Regulations as it has for the purposes of those Acts.

(1) 2006 asp 14. Section 57(7) provides that references in section 57(6) to information include references to information of prescribed kinds, and the reference to recipients includes a reference to recipients of prescribed descriptions. Section 60 contains and applies definitions of “prescribed” and “Registrar General” relevant to the exercise of statutory powers under which these Regulations are made.

(2) 1994 c.39.

(3) 1965 c.49.

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Additional information to be held on the register and sources of that information

3.—(1) The information described in column 1 of Schedule 1 is prescribed for the purposes of section 57(3)(i) of the Act (additional information which may be contained in a register entry).

(2) The persons described in column 2 of Schedule 1 are prescribed for the purposes of section 57(2)(f) of the Act (additional information held by persons or contained in places which may be used to create and maintain the register) in relation to the information described in the corresponding entry in column 1.

Information to be provided from the register and persons to whom it is to be provided

4.—(1) The information described in column 1 of Schedule 2 is prescribed for the purposes of section 57(6) of the Act (information which may be provided from the register).

(2) For the purposes of section 57(4) and (6) of the Act (additional persons, or persons of such descriptions, in relation to whom information may be provided), that information may be provided to the persons described in the corresponding entry in column 2 of Schedule 2.

New Register House,
Edinburgh
2006

Registrar General for Scotland

Approved by the Scottish Ministers

St Andrew's House,
Edinburgh
2006

Authorised to sign by the Scottish Ministers

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SCHEDULE 1

Regulation 3

Additional information which may be contained in an entry in, and obtained from persons or places to create and maintain, the register

<i>Column (1) – additional information prescribed under section 57(3)(i) of the Act which may be contained in a register entry</i>	<i>Column (2) – persons, or descriptions of persons, prescribed under section 57(2)(f) of the Act as sources of information which may be used to compile a register entry</i>
1. Mother's birth surname.	
2. Place of birth.	
3. A unique patient number determined by the Common Services Agency.	
4. Reference codes indicating- (a) the fact of any registration- (i) on the cancer registry held by the Common Services Agency; or (ii) supplied by such a registry for a part of the United Kingdom other than Scotland which exists for the same purpose as, or a similar purpose to, that registry; and (b) any date corresponding to that registration.	
5. A reference code which relates uniquely to a medical research project.	Researcher conducting a medical research project.
6. A date recorded by the Common Services Agency as contact lost between a patient and the National Health Service in Scotland.	
7. A reference code indicating in connection with those who serve or have served in the naval, military or air forces of the Crown- (a) that person's- (i) date of recruitment; and (ii) date of medical discharge (if any); and (b) for the dependents of those persons, the date of registration for medical treatment with a medical officer of the force that person serves or has served with.	The Ministry of Defence or the naval, military or air forces of the Crown.
8. A date as at which the individual is likely to have left the United Kingdom supplied by- (a) the Office of National Statistics; or (b) the Northern Ireland Central Services Agency for the Health and Social Services.	
9. A reference code indicating that the person has previously been registered with a general medical practitioner practice on the Isle of Man.	
10. A postcode and reference code indicating address.	A local authority.

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<i>Column (1) – additional information prescribed under section 57(3)(i) of the Act which may be contained in a register entry</i>	<i>Column (2) – persons, or descriptions of persons, prescribed under section 57(2)(f) of the Act as sources of information which may be used to compile a register entry</i>
11. Fact and date of death.	

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SCHEDULE 2

Regulation 4

Information which may be provided from the register and persons to whom it may be provided

Column (1) – information which may be, or must not be, provided by the Registrar General under section 57(6) of the Act	Column (2) – persons, or descriptions of persons, to whom the Registrar General may, under section 57(4) and (6) of the Act, provide the relative information
1. Any entry information may be provided.	The Common Services Agency; a Health Board; a Special Health Board; a National Health Service trust.
2. Any entry information may be provided, except postcode and reference code indicating address.	Any- (a) “English NHS body”, “Welsh NHS body” or “cross-border SHA” within the meaning of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 ⁽⁴⁾ ; (b) Health and Social Services Board established under article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972 ⁽⁵⁾ .
3. Any entry information may be provided, except postcode and reference code indicating address.	The Office of National Statistics and the Northern Ireland Central Services Agency for the Health and Social Services.
4. Any entry information may be provided.	Researcher conducting a medical research project.
5. For an individual in relation to whom equivalent information has been provided by the local authority, there may be provided- (a) the principal reference number on the register which relates uniquely to the individual as the Registrar General has determined under section 57(3)(h) of the Act; and (b) any entry information which does not match the equivalent information that has been provided, except postcode and reference code indicating address.	The local authority which has provided equivalent information.
6. Such reference numbers may be provided as the Registrar General has determined under section 57(3)(h) of the Act which relate uniquely to- (a) those who serve or have served in the naval, military or air forces of the Crown; or (b) dependents of those individuals.	The Ministry of Defence or the naval, military or air forces of the Crown.

⁽⁴⁾ 2003 c. 43. Section 148 sets out definitions of the terms “English NHS body”, “Welsh NHS body” and “cross-border SHA” (Strategic Health Authority).

⁽⁵⁾ S.I. 1972/1265 (NI 14).

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7. Any entry information requested in relation to the prevention or detection of serious crime (within the meaning of section 93(4)(a) or (b) of the Police Act 1997(6)), to the apprehension or prosecution of those suspected of having committed such crime or to national security may be provided, except the entry information described in entries 4 and 5 in Schedule 1.	A chief constable of a police force in Scotland, England and Wales or Northern Ireland, the Scottish Drug Enforcement Agency established under section 36(1)(a)(ii) of the Police (Scotland) Act 1967(7), the Scottish Crime and Drug Enforcement Agency(8) or the Security Service.
8. The fact that an individual's information is contained on the register, or fact and date of death, may be provided.	Any- (a) practising solicitor; or (b) body which may refer to itself as a "charity" in Scotland(9).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the information that can be shared by the Registrar General for Scotland ("the Registrar General") in operating the central register for health and local authority purposes ("the register") under section 57 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 ("the Act").

The register is the National Health Service Central Register for Scotland. It is held by the Registrar General for Scotland for the National Health Service in Scotland (and was formerly held by the Registrar General principally under section 1(3) of the Registration of Births, Deaths and Marriages Act 1965 (c.49)).

An entry in the register may contain basic individual identity and further details as specified in section 57(3) of the Act and column 1 of Schedule 1 to these Regulations. Entry details may be drawn from the persons and places specified in section 57(2) to the Act and (for three classes of information) as specified in column 2 of Schedule 1 to these Regulations. Accordingly, the Regulations prescribe additional information held by persons or contained in places which may be used to create and maintain, and which may be contained in an entry in, the register (regulation 3 and Schedule 1). They also prescribe the information that may be provided from the register, and to whom (regulation 4 and Schedule 2).

A full Regulatory Impact Assessment has not been produced for this instrument as it has no cost on business.

(6) 1997 c.50.

(7) 1967 c.77.

(8) Established under the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), see section 2, as successor to the Scottish Drug Enforcement Agency.

(9) Part 1 (in particular sections 13 and 14) and sections 99 and 106 of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10) provide for this.

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EXECUTIVE NOTE

**The National Health Service Central Register
(Scotland) Regulations 2006 (SSI 2006/###)**

The above instrument is made in exercise of the powers conferred by sections 57(2)(f), (3)(i), (4) to (7) and 61(2) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 ("the 2006 Act"). It is subject to negative resolution procedure.

Policy Objectives

The purpose of the instrument is to set out the regime under which information may be provided from the National Health Service Central Register for Scotland ("NHSCR"), including the detail of which additional bodies the information may be shared with. It also supplements the information which may be compiled on the NHSCR and adds to the list of bodies from which such information may be drawn. The instrument will come into effect on 11 November 2006.

The NHSCR, which dates from the early 1950s, contains basic details of everyone born in Scotland, plus anyone else who is (or has been) on the list of a GP in Scotland. The NHSCR effectively acts as an index to NHS patients, with the principal function of allowing the smooth transfer of patients who move between NHS Board areas (or across borders within the UK). By empowering the Registrar General to keep a central register of information about people, section 57 of the 2006 Act puts the NHSCR on a clear statutory footing. It operated previously partly under sections 1(3) and 51 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 as far as the Registrar General is concerned, but is not explicitly mentioned there. The 2006 Act also allows the NHSCR to act for the first time as an index to local authority customers, in a similar way to its traditional NHS function.

Section 57(3) specifies the information which may be held on the register. This covers basic personal data and with which health authority the patient has been registered. Both that information and the sources of the information may be extended to include other information by regulations made by the Registrar General. This instrument lists the information which is already held on the NHSCR but which requires to be described at a level of detail which is more appropriate to regulations than to primary legislation (Column 1 of Schedule 1, items 4, 5, 6, 7, 8 and 9) and some information which it is intended to add to the NHSCR for the first time, in order to increase the accuracy with which people can be associated with their NHSCR record (Column 1 of Schedule 1, items 1, 2, 3, 10 and 11).

Section 57(4) to (7) requires the Registrar General to set out in these Regulations the access to information held on the NHSCR that is allowed, for Health Boards, the Common Services Agency and local authorities (the principal users of the NHSCR) and enables the Registrar General to prescribe other persons, or persons of a certain description, that may be given access, and to what information they should be given access. This instrument implements section 57 to specify the information

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which may be provided both to the principal users and to the other users listed in Column 2 of Schedule 2, all of whom (except local authorities as noted above) are already provided with the specified information.

Consultation

The following bodies have been consulted during the preparation of the instrument:-

- [To be inserted following consultation]

Financial Effects

The instrument has no financial effects on the Scottish Executive, local government or on business.

General Register Office for Scotland
October 2006