STATUTORY INSTRUMENTS

1999 No. 261

The National Health Service (Fund-holding Practices) Amendment Regulations 1999

PART IV

TRANSITION TO NEW SYSTEM

Applications for recognition as a fund-holding practice

30.—(1) Where the Secretary of State has granted recognition in accordance with regulation 5(2)(**1**) as a standard fund-holding practice, a community fund-holding practice or a GP commissioning group, but the recognition has not taken effect before 1st April 1999, such recognition (when it takes effect) shall be as a residual fund-holding practice.

(2) Where, by midnight on 31st March 1999, the Secretary of State has neither granted nor refused recognition in respect of any outstanding application for recognition as a standard fund-holding practice or as a community fund-holding practice that outstanding application shall be deemed to be for recognition as a residual fund-holding practice.

(3) In this regulation, "residual fund-holding practice" means a fund-holding practice recognised as from 1st April 1999, in accordance with the principal Regulations as amended by these Regulations.

Change in status of recognised fund-holding practices

31.—(1) Where the members of a standard fund-holding practice or a community fund-holding practice wish the practice to continue to be recognised as a fund-holding practice on and after 1st April 1999, they shall send a written notice of their intention to remain a fund-holding practice to the Health Authority to be received no later than 3rd March 1999.

(2) Where the members of a GP commissioning group wish the practice to be recognised as a fund-holding practice on and after 1st April 1999 they shall send an application for change of status to the Health Authority to be received no later than 3rd March 1999.

(3) Regulation 3 of the principal Regulations shall apply to an application by a GP commissioning group for a change of status to a fund-holding practice as it applies to an application for recognition as a fund-holding practice, but as if the references in that regulation to an application were references to an application for change of status to a fund-holding practice.

(4) For the purposes of this regulation a notice or application may be sent by fax.

Removal of recognition

32.—(1) Subject to paragraphs (3) to (6), where the notice referred to in regulation 31(1) has not been received on or before 3rd March 1999 from the members of any fund-holding practice (other

(**1**) Regulation 5(2) was substituted by S.I. 1997/1678.

than a GP commissioning group), the Secretary of State shall remove recognition from them with effect from midnight on 31st March 1999.

(2) Subject to paragraphs (3) to (6), where the application referred to in regulation 31(2) has not been received on or before 3rd March 1999 from the members of a GP commissioning group, the Secretary of State shall remove recognition from them with effect from midnight on 31st March 1999.

(3) Where recognition is to be removed in circumstances specified in this regulation, the Secretary of State shall—

(a) send to each member of the practice notice of removal of recognition;

(b) include in the notice a statement of the reason for removal of recognition and that the removal takes effect from midnight on 31st March 1999;

(c) inform the members of the practice that they may, subject to paragraphs 4 and 5, make representations in writing to the Secretary of State concerning the matter; and

(d) inform each member of the practice of the consequences of removal of recognition.

(4) Where the members of the practice wish to make representations in writing against the removal of recognition, the representations may be sent to the Secretary of State within the period of three weeks beginning with the date on which the notice referred to in paragraph (3) was sent.

(5) Where the Secretary of State decides, having taken into account the representations of the members of the fund-holding practice, not to remove recognition he shall—

(a) write to each member of the fund-holding practice withdrawing the notice referred to in paragraph (3); and

(b) inform them of a new date by which the notice or application referred to in regulation 31(1) or (2), as the case may be, must be received by the Health Authority.

(6) Where the Secretary of State informs the members of a fund-holding practice that their notice or application must be received by a new date in accordance with paragraph (5)(b), and the notice or application is not received by that new date the Secretary of State shall remove recognition from them forthwith and paragraph (3)(a), (b) and (d) shall apply, save that paragraph (b) shall apply as if "forthwith" were substituted for "from midnight on 31st March 1999".

Consequences of removal of recognition

33. Where recognition is removed from a practice in accordance with regulation 31(1), (2) or (6) the consequences shall be the same as the consequences of the practice's having renounced recognition and—

(a) regulation 12(2) to (7) of the principal Regulations shall apply as if the references in those paragraphs to renunciation of recognition were references to removal of recognition; and

(b) regulation 17 of the principal Regulations shall not apply.