



National Health Service and Community Care Act 1990

1990 CHAPTER 19

PART I

THE NATIONAL HEALTH SERVICE: ENGLAND AND WALES

Fund-holding practices

15 Payments to recognised fund-holding practices.

[^{F1}(1) In respect of each financial year, every Health Authority shall be liable to pay to the members of each recognised fund-holding practice in relation to which they are the relevant Health Authority a sum determined by the Secretary of State in such manner and by reference to such factors as the Secretary of State may direct (in this section referred to as an “allotted sum”).]

^{F2}(2)

(3) The liability to pay an allotted sum under subsection (1) ^{F3}... above may be discharged, in whole or in part, in either of the following ways—

- (a) by making payments on account of the allotted sum at such times and in such manner as the Secretary of State may direct; and
- (b) by discharging liabilities of the members of the practice to any other person (including, in particular, liabilities under NHS contracts);

and any reference in the following provisions of this Part of this Act to payment of or of a part of an allotted sum includes a reference to the discharge, in accordance with this subsection, of the whole or part of the liability to pay that sum.

[^{F4}(4) In any case where—

- (a) a Health Authority make a payment of, or of any part of, an allotted sum to the members of a recognised fund-holding practice, and

Status: Point in time view as at 01/04/1998. This version of this provision has been superseded.

Changes to legislation: National Health Service and Community Care Act 1990, Section 15 is up to date with all changes known to be in force on or before 18 August 2023. 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)

- (b) some of the individuals on the list of patients of any of the members of the practice reside in the area of another Health Authority, or in the area of a Health Board,

the Health Authority making the payment shall be entitled to recover from that other Health Authority, or from that Health Board, an amount equal to such portion of the payment as may be determined in accordance with directions given by the Secretary of State.]

(5)

- (6) The members of a recognised fund-holding practice may apply an allotted sum only for purposes specified in regulations under subsection (7) below.

- (7) Regulations shall make provision with respect to the purposes for which allotted sums are to be or may be applied and may make provision generally with respect to the operation of recognised fund-holding practices in relation to allotted sums; and the regulations may, in particular,—

- (a) require the members of a practice to pay to the relevant [^{F5}Health Authority] out of allotted sums paid to them an amount determined in accordance with the regulations as the basic cost of the drugs, medicines and listed appliances supplied pursuant to orders given by or on behalf of members of the practice;
- (b) provide that the goods and services, other than general medical services [^{F6}or personal medical services provided in accordance with arrangements made under section 28C of the principal Act], which may be purchased by or on behalf of the members of a practice out of allotted sums for the [^{F7}practice patients] shall be such as may be specified in a list approved for the purpose under the regulations; and
- (c) impose a limit on the amount which may be spent out of an allotted sum on the provision of goods and services for any one individual, being a limit above which the cost of any goods and services for that individual in the financial year in question will fall to be met by the [^{F8}Health Authority] whose primary functions include the provision of goods and services (not necessarily the goods and services in question) to the individual concerned.

^{F2}(8)

- (9) In accordance with directions under section 17 of the principal Act, the relevant [^{F9}Health Authority] shall monitor the expenditure of the members of a recognised fund-holding practice and may institute an audit and review in any case where the [^{F9}Health Authority] consider it necessary to do so.

- ^{F10}(10) In this section “practice patient”, in relation to a recognised fund-holding practice, means an individual who is on the list of patients of any of the members of the practice (or, if any of those members together have a single list of patients in connection with arrangements made under section 28C of the principal Act, an individual who is on that single list).]

Extent Information

E1 S. 15 other than s. 15(4) does not extend to Scotland

Textual Amendments

F1 S. 15(1) substituted (1.4.1996 subject to s. 8 of the amending Act) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. II para. 74(a)** (with Sch. 2 paras. 6, 16)

Status: Point in time view as at 01/04/1998. This version of this provision has been superseded.

Changes to legislation: National Health Service and Community Care Act 1990, Section 15 is up to date with all changes known to be in force on or before 18 August 2023. 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)

- F2** S. 15(2)(5) and (8) repealed (1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5(1)(2), **Sch. 1 para. 74(b)(e)** and (g), Sch. 3 (with Sch. 2 paras. 6, 16)
- F3** Words in s. 15(3) repealed (1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5(1)(2), Sch. 1 para. 74(c), **Sch. 3** (with Sch. 2 paras. 6, 16)
- F4** S. 15(4) substituted (1.4.1996 subject to s. 8 of the amending Act) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. II para. 74(a)** (with Sch. 2 paras. 6, 16)
- F5** Words in s. 15(7)(a) substituted (1.4.1996 subject to s. 8 of the amending Act) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. II para. 74(f)(i)** (with Sch. 2 paras. 6, 16)
- F6** Words in s. 15(7)(b) inserted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 65(6)(a)**; S.I. 1998/631, art. 2(b), **Sch. 2**
- F7** Words in s. 15(7)(b) substituted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 65(6)(b)**; S.I. 1998/631, art. 2(b), **Sch. 2**
- F8** Words in s. 15(7)(c) substituted (1.4.1996 subject to s. 8 of the amending Act) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. II para. 74(f)(ii)** (with Sch. 2 paras. 6, 16)
- F9** Words in s. 15(9) substituted (1.4.1996 subject to s. 8 of the amending Act) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. II para. 74(h)** (with Sch. 2 paras. 6, 16)
- F10** S. 15(10) inserted (1.4.1998) by 1997 c. 46, s. 40(10), **Sch. 2 Pt. I para. 65(7)**; S.I. 1998/631, art. 2(b), **Sch. 1**

Commencement Information

- I1** S. 15 wholly in force at 1.4.1991 see s. 67(2) and S.I. 1990/1329, art. 2(8), **Sch. 3**.

Status:

Point in time view as at 01/04/1998. This version of this provision has been superseded.

Changes to legislation:

National Health Service and Community Care Act 1990, Section 15 is up to date with all changes known to be in force on or before 18 August 2023. 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.