
STATUTORY INSTRUMENTS

1991 No. 573

The National Health Service (Fund-Holding Practices) (General) (Scotland) Regulations 1991

PART V

Allotted Sum — Authorised Purposes

Payment for drugs, medicines and listed appliances

12. —;

(1) The members of a fund-holding practice shall pay to the relevant Health Board out of the allotted sum an amount determined in accordance with the following paragraphs of this regulation 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.

(2) The amount referred to in paragraph (1) shall, subject to paragraph (7), be

- (a) the price of the drugs, medicines or listed appliances calculated in accordance with paragraphs (3) and (4); minus
- (b) an amount representing a percentage of the price of the drug, medicine or listed appliance, calculated in accordance with paragraph (5); plus
- (c) except in the case of listed appliances supplied with, or in connection with, the supply of oxygen, an amount representing the cost of the container or packaging in which the drug, medicine or listed appliance is supplied calculated in accordance with paragraph (6).

(3) The price referred to in paragraph (2)(a) of a drug or medicine shall be

- (a) where the name of the drug or medicine is listed in a list in the Drug Tariff which specified a price for a specified quantity of that drug or medicine, the price so specified;
- (b) where the name of the drug or medicine is not so listed, the manufacturer's list price.

(4) The price referred to in paragraph (2)(a) of a listed appliance shall be the price of the appliance specified in the Drug Tariff.

(5) The percentage referred to in paragraph (2)(b) shall be 7.06 per cent of the price of the drug, medicine or listed appliance where that drug, medicine or listed appliance has been supplied pursuant to an order given by or on behalf of a member of a fund-holding practice whose recognition has been granted by a Health Board.

(6) The amount referred to in paragraph (2)(c) shall be *3.80p for each listed appliance and each quantity of a drug or medicine.

(7) Where an amount calculated under paragraph (2)(a), (b) or (c) is in any month not an exact number of pounds sterling, any amount of fifty pence or more shall be rounded up, and any amount less than fifty pence shall be rounded down, to the nearest whole pound sterling.

(8) In this regulation—

“the Drug Tariff” means the statement published under regulation 32 of the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974(1);

“listed appliance” means an appliance which is included in a list for the time being approved by the Secretary of State for the purposes of section 27(1) of the Act(2);

“manufacturer’s list price” means the price which the manufacturer of a drug or medicine or his agent publishes as being the price of that drug or medicine;

“medicine” includes such chemical re-agents as are included in a list for the time being approved by the Secretary of State for the purposes of section 27(1) of the Act.

Payment for goods and services

13.—(1) The members of a fund-holding practice may apply the allotted sum to the purchase of the goods and services, other than general medical services, referred to in paragraph (2) and shall apply the allotted sum to the purchase of such of those goods and services as are necessary for the proper treatment of patients of members of the practice.

(2) The goods and services referred to in paragraph (1) shall be the goods and services specified in a list approved from time to time by the Secretary of State for the purposes of this regulation.

Limit on provision of goods and services

14. There shall be a limit of £5,000 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 Health Board amongst whose functions is the responsibility for the provision of health care, including the provision of goods and services (not necessarily the goods and services in question) for the benefit of the individual concerned.

Payment of salaries

15. —

(1) The members of a fund-holding practice may apply the allotted sum for the purpose of paying the salaries of those employees of members of the practice whose employment by the members of the practice began after the relevant date.

(2) Where a Health Board has, before the relevant date reimbursed a member of the practice in respect of a proportion of the salary of an employee of his, then the members of the fund-holding practice may apply the allotted sum for the purpose of paying, in respect of periods after that date, that proportion of the salary of that employee.

(3) In this regulation “the relevant date” means the date on which recognition of the members of the practice as a fund-holding practice has effect in accordance with the Applications Regulations.

Savings from the allotted sum

16. Where the accounts relating to the allotted sum paid to members of a fund-holding practice in respect of a financial year have been audited in accordance with section 86(IA) of the Act(3), the members of the fund-holding practice may continue to apply any part of the allotted sum paid to them in respect of that financial year, for a period of four years after the end thereof, for one or more of the following:—

(1) [S.I. 1974/506](#); regulation 32 was amended by [S.I. 1987/385](#) and [1989/1883](#).

(2) [1978 c. 29](#); section 27(1) was amended by the 1980 Act, section 20(2) and by the 1990 Act, Schedule 9, paragraph 19(7).

(3) Section 86(1A) was inserted by the 1990 Act, section 36(4).

- (a) the purposes specified in regulations 13 and 15;
- (b) the purchase of material or equipment which—
 - (i) can be used for the treatment of patients of the practice; or
 - (ii) enhances the comfort or convenience of patients of the practice; or
 - (iii) enables the practice to be managed more effectively and efficiently; or
 - (iv) relates to health education; or
- (c) the improvement of any premises from which the members of the practice carry on their practice whether by improving the structure of the premises or the purchase of furniture and furnishings for the premises.