
STATUTORY INSTRUMENTS

1997 No. 3021

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES
NATIONAL HEALTH SERVICE, SCOTLAND**

The National Health Service (Pilot Schemes: Financial Assistance for Preparatory Work) Amendment Regulations 1997

Made - - - - *18th December 1997*
Laid before Parliament *18th December 1997*
Coming into force - - *8th January 1998*

The Secretary of State, in exercise of powers conferred on him by sections 18(1) and (3) and 39(2) of the National Health Service (Primary Care) Act 1997⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the National Health Service (Pilot Schemes: Financial Assistance for Preparatory Work) Amendment Regulations 1997 and shall come into force on 8th January 1998.

Amendment of the National Health Service (Pilot Schemes: Financial Assistance for Preparatory Work) Regulations 1997

2.—(1) The National Health Service (Pilot Schemes: Financial Assistance for Preparatory Work) Regulations 1997⁽²⁾ shall be amended in accordance with the provisions of this regulation.

(2) In regulation 2 (provision of financial assistance)—

- (a) for the heading, substitute “Provision of financial assistance to prepare proposals (personal medical services)”;
- (b) in paragraph (1), omit the words in brackets, and after the words “in connection with”, insert “preparing proposals for”;

(1) 1997 c. 46.

(2) S.I.1997/1821, amended by S.I. 1997/2289, regulation 4.

- (c) in paragraph (3), after the words “application for financial assistance”, insert “under paragraph (2)”; and
- (d) after paragraph (4), add—
 - “(5) where two or more persons have together applied for financial assistance, payment may be made to any one of them on behalf of them all; but otherwise in such a case “the applicant” means all of them together.”.
- (3) In regulation 3 (conditions)—
 - (a) in the heading, after the word “Conditions”, add “on payments of financial assistance to prepare proposals (personal medical services)”;
 - (b) in paragraph (1), for the words “these Regulations”, substitute “regulation 2(1)”; and
 - (c) in paragraph (2), after the words “assistance is made”, insert “under regulation 2(1)”.
- (4) After regulation 3, add—

“Provision of financial assistance to prepare for the provision of piloted services (personal medical services)”

4.—(1) An authority may make payments of financial assistance for preparatory work within the meaning of section 18(2)(b) of the Act in connection with preparing for the provision of piloted personal medical services.

(2) Subject to the provisions of this regulation, such payments may be made to any person named as a proposed provider of piloted services in proposals for the pilot scheme which have been approved by the Secretary of State under section 5 of the Act or, if proposals approved by the Secretary of State have been varied with the agreement of the Secretary of State or, as the case may be, in a manner authorised by directions given by the Secretary of State under section 6 of the Act, in the proposals as so varied (such proposals being referred to below in this regulation as “the relevant proposals”)

- (3) Payments of financial assistance may be made under paragraph (1) only if—
 - (a) the authority has received a written application from the person to whom the payment is to be made (“the applicant”), which specifies the purposes for which he intends to use the payment of financial assistance for which he has applied;
 - (b) the authority has notified the applicant in writing that it is willing to make a payment of financial assistance to him for the purposes so specified, and of the maximum amount of the payment which it is willing to make; and
 - (c) the applicant has satisfied the authority that—
 - (i) he has incurred costs which are not less than the amount of the payment of financial assistance, and
 - (ii) those costs were incurred before the relevant date, for the purposes specified in his application.
- (4) Where two or more persons have together applied for financial assistance, payment may be made to any one of them on behalf of them all; but otherwise in such a case “the applicant” means all of them together.
- (5) Subject to any directions given by the Secretary of State under section 6(1) of the Act as to implementation of proposals—

- (a) if the relevant proposals do not specify the date by which those proposals are to be implemented, an authority may give notification to an applicant under paragraph (3)
 - (c) only if it has agreed with him the date by which the proposals are to be implemented; but

- (b) where an authority and the applicant have agreed a date by which the relevant proposals are to be implemented, they may, at any time before that date, agree a different date as the date by which the proposals are to be implemented, in substitution for that date.

(6) In this regulation and in regulation 5(1) “the relevant date” means whichever of the dates mentioned in sub-paragraphs (a) to (c) occurs first—

- (a) the date on which the relevant proposals are implemented,
- (b) the date on which the authority receives notification from an applicant to whom it has given notification under paragraph (3)(c) in respect of the relevant proposals that he wishes to withdraw before those proposals are implemented⁽³⁾, or
- (c) the date specified in the relevant proposals or, as the case may be, for the time being agreed under paragraph (5) as the date by which the proposals are to be implemented.

Conditions on payments of financial assistance to prepare for the provision of piloted services (personal medical services)

5.—(1) Notwithstanding that the applicant has satisfied the authority as mentioned in regulation 4(3)(d), the authority shall upon making a payment of financial assistance under regulation 4(1) also require all the costs in respect of which the payment was made to have been incurred before the relevant date and for the purposes specified in the application for that payment.

(2) A person receiving such a payment shall comply with any conditions which the authority may impose in writing in connection with that requirement.

(3) A person to whom a payment of financial assistance is made who fails to comply with any of the conditions imposed by the authority shall, on demand by the authority, repay the amount of the payment forthwith.

Provision of financial assistance to prepare proposals (personal dental services)

6.—(1) An authority may make payments of financial assistance for preparatory work within the meaning of section 18(2)(a) of the Act in connection with preparing proposals for a pilot scheme under which personal dental services⁽⁴⁾ are to be provided.

(2) Subject to the provisions of this regulation, such payments may be made only following receipt by the authority of a written application from a person (“the applicant”)—

- (a) who wishes to provide piloted services; and
 - (b) with whom an agreement which constitutes, or is part of, a pilot scheme under which personal dental services are to be provided may be made⁽⁵⁾.
- (3) Payments of financial assistance may be made under paragraph (1) only if—
- (a) the applicant’s application specifies the purposes for which he intends to use the payment of financial assistance for which he has applied;
 - (b) the authority has notified the applicant in writing that it is willing to make a payment of financial assistance to him for the purposes so specified, and of the maximum amount of the payment which it is willing to make;
 - (c) subject to paragraph (5), the applicant has specified the date by which he intends the authority to submit the proposals in question to the Secretary of State; and

(3) See section 6(2) of the Act as to withdrawal by a proposed participant in a pilot scheme.

(4) “Personal dental services” is defined in section 1(8) of the Act.

(5) An authority may enter into an agreement with one or more of the persons listed in section 3(2) of the Act. Section 4(2) requires an authority to prepare and submit proposals if asked to do so by such a person.

- (d) the applicant has satisfied the authority that—
 - (i) he has incurred costs which are not less than the amount of the payment of financial assistance, and
 - (ii) the costs were incurred before any date referred to in sub-paragraph (c) (being, where an application has been amended under paragraph (5) the date specified for the purposes of that sub-paragraph by virtue of that amendment).

(4) Where two or more persons have together applied for financial assistance, payment may be made to any one of them on behalf of them all; but otherwise in such a case “the applicant” means all of them together.

(5) Where the Secretary of State has in directions to the authority specified the date (or a number of dates) by which proposals are to be submitted to him, and the authority receives an application which for the purposes of paragraph (3)(c) specifies a different date, the authority must—

- (a) notify the applicant of all dates specified in the directions which have not yet passed; and
- (b) invite the applicant to amend the application so as to specify one of those dates for the purposes of paragraph (3)(c) (being a date which has not yet passed at the time of the amendment);

and until the application is so amended it shall be treated as not having been made.

Conditions on payments of financial assistance to prepare proposals (personal dental services)

7.—(1) Notwithstanding that the applicant has satisfied the authority as mentioned in regulation 6(3)(d), the authority shall upon making a payment of financial assistance under regulation 6(1) also require all the costs in respect of which the payment was made to have been incurred before the date referred to in regulation 6(3)(d)(ii) and for the purposes specified in the application for that payment.

(2) A person receiving such a payment shall comply with any conditions which the authority may impose in writing in connection with that requirement.

(3) A person to whom a payment of financial assistance is made who fails to comply with any of the conditions imposed by the authority shall, on demand by the authority, repay the amount of the payment forthwith.”

Frank Dobson
One of Her Majesty’s Principal Secretaries of
State,
Department of Health

18th December 1997

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Pilot Schemes: Financial Assistance for Preparatory Work) Regulations 1997.

New provisions inserted in those Regulations empower Health Authorities in England and Wales and Scottish Health Boards to give financial assistance to persons preparing to participate in a pilot scheme under which personal medical services are provided, under the National Health Service (Primary Care) Act 1997, and to persons preparing proposals for a pilot scheme for the provision of personal dental services under that Act. Payments may be made in respect of work reasonably undertaken in connection with preparing for the provision of piloted services or, as the case may be, preparing proposals for a pilot scheme.

Any person who is named as a proposed provider of piloted services in proposals for a pilot scheme for the provision of personal medical services may (if those proposals have been approved by the Secretary of State) apply to an authority for financial assistance in respect of preparing for the provision of those services. The application must specify the purposes for which the applicant intends to use the payment and payments may be made only in respect of costs which have been incurred for those purposes. An authority may impose conditions designed to require a person who is given financial assistance to return the money, if it is subsequently discovered that costs were not in fact incurred for the purposes specified in his application.

Provisions as to applications and repayment to the authority in the case of payments for preparatory work on proposals for a pilot scheme for the provision of personal dental services are similar to those outlined above.

These Regulations impose no costs on business.