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STATUTORY INSTRUMENTS

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**1998 No. 632**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The National Health Service (Functions of Health Authorities)  
(Prescribing Incentive Schemes) Regulations 1998**

<i>Made</i>	- - - -	<i>10th March 1998</i>
<i>Laid before Parliament</i>		<i>10th March 1998</i>
<i>Coming into force</i>	- -	<i>31st March 1998</i>

The Secretary of State for Health, in exercise of powers conferred on him by sections 15(1)(b) and 126(4) of the National Health Service Act 1977(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Functions of Health Authorities) (Prescribing Incentive Schemes) Regulations 1998 and shall come into force on 31st March 1998.

(2) In regulation 2—

“the Act” means the National Health Service Act 1977;

“directions” means directions given by the Secretary of State under section 17 of the Act;

“practice” means—

- (a) one with respect to which section 18(1) of the National Health Service and Community Care Act 1990(2) applies, or
- (b) one which consists of—
  - (i) a single medical practitioner who is on the medical list of a Health Authority and who practises otherwise than in partnership, or

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(1) 1977 c. 49. See section 128(1) as amended by section 26(2)(g) and (i) of the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”) for the definitions of “prescribed” and “regulations”. Section 15(1) was amended by the Health and Social Security Act 1984 (c. 48) section 5(2); by the 1990 Act, section 12(1); and by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 6. Section 126(4) was amended by the 1990 Act, section 65(2).

(2) 1990 c. 19. Section 18 was amended by the Health Authorities Act 1995 (c. 17) Schedule 1, paragraph 77.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(ii) in the case of two or more medical practitioners who practise in partnership with each other, each medical practitioner who is on the medical list of a Health Authority,

and who (in a paragraph (b)(i) case) is a member, or who (in a paragraph (b)(ii) case) are all members, of a fund-holding practice which has been granted recognition as a GP commissioning group in accordance with regulation 5 of the National Health Service (Fund-holding Practices) Regulations 1996<sup>(3)</sup>; and

“prescribing incentive scheme” means a scheme under which a Health Authority is required to make a payment to a practice which, in a financial year, has contained its prescribing costs as specified in directions.

### **Prescribed function of Health Authorities**

2. For the purposes of section 15(1)(b) of the Act it shall be a prescribed function of each Health Authority to establish, operate and make payments to practices under a prescribing incentive scheme in accordance with directions.

### **Revocation**

3. The National Health Service (Functions of Family Health Services Authorities) (Prescribing Incentive Schemes) Regulations 1995<sup>(4)</sup> are hereby revoked.

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

10th March 1998

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(3) S.I. 1996/706, amended by S.I. 1997/747 and 1997/1678.

(4) S.I. 1995/692.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and replace the National Health Service (Functions of Family Health Services Authorities) (Prescribing Incentive Schemes) Regulations 1995 (S.I. 1995/692).

These Regulations confer a function on Health Authorities to establish and operate prescribing incentive schemes, in accordance with directions made by the Secretary of State, under which Health Authorities make payments to GP practices and one type of fund-holding practice (GP commissioning groups) in their areas which contain their prescribing costs.

A copy of the directions can be obtained from NHS Executive, Pharmacy and Prescribing Branch, Room 6/E/43, Quarry House, Quarry Hill, Leeds LS2 7UE.