

---

STATUTORY INSTRUMENTS

---

**1998 No. 693**

**The National Health Service (Fund-holding  
Amendment Regulations 1998 Practices)**

**PART II**

**AMENDMENTS CONSEQUENTIAL UPON THE NATIONAL  
HEALTH SERVICE (PRIMARY CARE) ACT 1997**

**Amendment of regulation 1 of the principal Regulations**

**2.**—(1) Regulation 1 of the principal Regulations (citation, commencement and interpretation) is amended as follows.

(2) In paragraph (2) in the appropriate position in alphabetical order, insert—

““the 1997 Act” means the National Health Service (Primary Care) Act 1997(1);”;

““personal medical services” has the meaning given to it in section 1(8) of the 1997 Act;”;

““pilot scheme” has the meaning given to it in section 1 of the 1997 Act;”;

““pilot scheme provider” means a person, other than a Health Authority, who is a party to a pilot scheme.”.

(3) In paragraph (9), after “included” insert “or (in the case of a medical practitioner who is not included in a medical list but who performs personal medical services under a pilot scheme) to the address of the pilot scheme provider given in the pilot scheme”.

**Amendment of regulation 3 of the principal Regulations**

**3.** In regulation 3 of the principal Regulations (application for recognition as a fund-holding practice), in paragraph (10)—

(a) after the words “Health Board,” insert “or performs personal medical services under a pilot scheme to which a Health Board is a party;”;

(b) after the the words “National Health Service (Scotland) Act 1978”; insert “or, as the case may be, performing personal medical services under a pilot scheme to which a Health Board is a party”.

**Amendment of regulation 9 of the principal Regulations**

**4.** In regulation 9 of the principal Regulations (withdrawal or death of a member of a fund-holding practice), in paragraph (5)(a), after the words “Health Authority” insert “or to perform personal medical services under a pilot scheme to which the Health Authority is a party,”.

### **Amendment of regulation 19 of the principal Regulations**

5.—(1) Regulation 19 of the principal Regulations (payment for drugs, medicines and listed appliances) is amended as follows.

(2) Before paragraph (1) insert—

“(A1) This regulation does not apply to the members of a standard fund-holding practice or community fund-holding practice who perform personal medical services under a pilot scheme, and—

- (a) the pilot scheme makes provision for the cost (however calculated) of the drugs, medicines and listed appliances supplied pursuant to orders given by or on behalf of members of the practice to be deducted from the net consideration payable under the pilot scheme to the provider, or accounted for in some other way; or
- (b) under which there are to be provided services which are not personal medical services but which are services which may be provided by virtue of section 1(3) of the 1997 Act (other than the provision of drugs, medicines or listed appliances for immediate treatment or by way of personal administration or application).”.

### **Amendment of regulation 22 of the principal Regulations**

6. In regulation 22 of the principal Regulations (payments to staff), for paragraph (A1) substitute—

“(A1) This regulation does not apply to—

- (a) the members of a GP commissioning group; or
- (b) the members of a standard fund-holding practice or community fund-holding practice who perform personal medical services under a pilot scheme which makes provision for the cost (however calculated) of payments to staff to be included in the consideration payable under the pilot scheme to the provider.”.

### **Amendment of Schedule 1 to the principal Regulations**

7. In Schedule 1 to the principal Regulations (conditions for obtaining recognition), after paragraph 5 add—

“6. In the case of members of a practice who provide or perform personal medical services under a pilot scheme—

- (a) none of them is employed by another person in accordance with the requirements of section 14(1)(2) of the 1990 Act; and
- (b) in connection with the pilot scheme each member of the practice has a list of patients and the members together do not have a single list of patients; and
- (c) the pilot scheme does not provide for persons to receive under the pilot scheme any of the goods or services specified, in the case of standard fund-holding practices in Part I, and in the case of community fund-holding practices in Part II, of the list approved from time to time by the Secretary of State for the purposes of regulation 20.”.

### **Amendment of Schedule 2 to the principal Regulations**

8. In Schedule 2 of the principal Regulations (conditions for continuing recognition), after paragraph 14 add—

---

(2) 1990 c. 19, as amended by paragraph 73 of Schedule 1 to the Health Authorities Act 1995 (c. 17) and (from 1st April 1998) by paragraph 65(3) of Schedule 2 to the National Health Service (Primary Care) Act 1997 (c. 46).

“15. In the case of members of a practice who provide or perform personal medical services under a pilot scheme—

- (a) none of them is employed by another person in accordance with the requirements of section 14(1) of the 1990 Act; and
- (b) in connection with the pilot scheme each member of the practice has a list of patients and the members together do not have a single list of patients; and
- (c) the pilot scheme does not provide for persons to receive under the pilot scheme any of the goods or services specified, in the case of standard fund-holding practices in Part I, and in the case of community fund-holding practices in Part II, of the list approved from time to time by the Secretary of State for the purposes of regulation 20.”.