
STATUTORY INSTRUMENTS

1999 No. 261

The National Health Service (Fund-holding Practices) Amendment Regulations 1999

PART IV

TRANSITION TO NEW SYSTEM

Removal of recognition

32.—(1) Subject to paragraphs (3) to (6), where the notice referred to in regulation 31(1) has not been received on or before 3rd March 1999 from the members of any fund-holding practice (other than a GP commissioning group), the Secretary of State shall remove recognition from them with effect from midnight on 31st March 1999.

(2) Subject to paragraphs (3) to (6), where the application referred to in regulation 31(2) has not been received on or before 3rd March 1999 from the members of a GP commissioning group, the Secretary of State shall remove recognition from them with effect from midnight on 31st March 1999.

(3) Where recognition is to be removed in circumstances specified in this regulation, the Secretary of State shall—

- (a) send to each member of the practice notice of removal of recognition;
- (b) include in the notice a statement of the reason for removal of recognition and that the removal takes effect from midnight on 31st March 1999;
- (c) inform the members of the practice that they may, subject to paragraphs 4 and 5, make representations in writing to the Secretary of State concerning the matter; and
- (d) inform each member of the practice of the consequences of removal of recognition.

(4) Where the members of the practice wish to make representations in writing against the removal of recognition, the representations may be sent to the Secretary of State within the period of three weeks beginning with the date on which the notice referred to in paragraph (3) was sent.

(5) Where the Secretary of State decides, having taken into account the representations of the members of the fund-holding practice, not to remove recognition he shall—

- (a) write to each member of the fund-holding practice withdrawing the notice referred to in paragraph (3); and
- (b) inform them of a new date by which the notice or application referred to in regulation 31(1) or (2), as the case may be, must be received by the Health Authority.

(6) Where the Secretary of State informs the members of a fund-holding practice that their notice or application must be received by a new date in accordance with paragraph (5)(b), and the notice or application is not received by that new date the Secretary of State shall remove recognition from them forthwith and paragraph (3)(a), (b) and (d) shall apply, save that paragraph (b) shall apply as if “forthwith” were substituted for “from midnight on 31st March 1999”.