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WELSH STATUTORY INSTRUMENTS

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**2000 No. 999**

**The Health Act 1999 (Fund-holding Practices)  
(Transfer of Assets, Savings, Rights and Liabilities  
and Transitional Provisions) (Wales) Order 2000**

**PART 1**

*GENERAL*

**Citation, commencement, interpretation and application**

1.—(1) This Order may be cited as the Health Act 1999 (Fund-holding Practices) (Transfer of Assets, Savings, Rights and Liabilities and Transitional Provisions) (Wales) Order 2000 and shall come into force on 1st April 2000.

(2) In this Order, unless the context otherwise requires—

“the 1977 Act” (“*Deddf 1977*”) means the National Health Service Act 1977(1);

“the 1990 Act” (“*Deddf 1990*”) means the National Health Service and Community Care Act 1990(2);

“the 1996 Regulations” (“*Rheoliadau 1996*”) means the National Health Service (Fund-holding Practices) Regulations 1996(3) as in force before the coming into force of this Order;

“allotted sum” (“*swm dynodedig*”) means any sum determined by the National Assembly and payable by the relevant Health Authority in accordance with section 15(1) of the 1990 Act as then in force, or a sum to be determined in accordance with article 14 of this Order;

“balance agreement” (“*cytundeb balans*”) means a written agreement signed on behalf of the Health Authority and by each former member of a fund-holding practice whose portion of the final balance is affected by the agreement, setting out how the final balance of that practice is to be applied for one or more of the purposes set out in article 8(4);

“final balance” (“*balans terfynol*”) shall be construed in accordance with article 7;

“former members of a fund-holding practice” (“*cyn-aelodau o bractis deiliad-cronfa*”) means the medical practitioners who—

- (a) were members of a fund-holding practice and who—
  - (i) renounced recognition as a fund-holding practice in accordance with regulation 11 of the 1996 Regulations, or
  - (ii) had recognition removed in accordance with regulation 32 of the National Health Service (Fund-holding Practices) Amendment Regulations 1999(4); or
- (b) were members of a residual fund-holding practice;

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(1) 1977 c. 49.

(2) 1990 c. 19.

(3) S.I. 1996/706, amended by S.I. 1997/747, 1997/1678, 1998/693 and 1999/261.

(4) S.I. 1999/261.

“fund-holding account” (“*cyfrif deiliad-cronfa*”) means a bank account (including any account with a building society incorporated under the Building Societies Act 1986<sup>(5)</sup>) maintained by the former members of a fund-holding practice for the purpose of receiving an allotted sum or any part of it;

“fund-holding practice” (“*practis deiliad-cronfa*”) means a fund-holding practice recognised under the 1990 Act as then in force;

“fund-holding provisions” (“*darpariaethau deiliad-cronfa*”) means sections 14 to 17 of the 1990 Act<sup>(6)</sup>;

“list size” (“*maint rhestr*”) means the number of individuals on the list of patients of a medical practitioner who provides general medical services in accordance with arrangements under section 29 of the 1977 Act<sup>(7)</sup>;

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“notice” (“*hysbysiad*”) means notice in writing;

“residual fund-holding practice” (“*practis deiliad-cronfa gweddilliol*”) means a fund-holding practice that was recognised for the financial year 1999-2000;

“savings” (“*arbedion*”) shall be construed in accordance with regulation 25(1) and (2) of the 1996 Regulations<sup>(8)</sup>;

“transferred assets” (“*asedau a drosglwyddir*”) shall be construed in accordance with article 2; and

“written consent” (“*cydsyniad ysgrifenedig*”) means written consent by the Health Authority to the application of part of the allotted sum for a specific purpose in accordance with regulation 25(2) of the 1996 Regulations or regulation 24 of the National Health Service (Fund-holding Practices) Regulations 1993<sup>(9)</sup> as the applicable regulation had effect on the date the consent was given.

(3) In this Order, except where the contrary appears, any reference to a Health Authority is a reference to the relevant Health Authority, construed in accordance with section 15(1B) and (1C)<sup>(10)</sup> of the 1977 Act as in force immediately prior to the coming into force of this Order.

(4) In this Order any reference to the rights and liabilities of the former members of a fund-holding practice is a reference to the rights acquired and liabilities incurred in connection with the application of the allotted sum.

(5) This Order shall apply only to Wales.

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(5) 1986 c. 53.

(6) Sections 14, 15, 16 and 17 of the National Health Service and Community Care Act (c.19) (“the 1990 Act”) were amended by, respectively, paragraphs 73, 74, 75 and 76 of Schedule 1 to the Health Authorities Act 1995 (c. 17) and, for sections 14 and 15, paragraph 65 of Schedule 2 to the National Health Service (Primary Care) Act 1997 (c. 46); all of those sections were repealed by Health Act 1999 (c. 8), section 1, which was brought into force by The Health Act 1999 (Commencement No. 2) (Wales) Order 2000, S.I. 2000/1026 (W.62) (C.26).

(7) Section 29 of the National Health Service Act 1977 (c. 49) (“the 1977 Act”) was extended by the Health and Medicines Act 1988 (c. 49), section 17; and amended by the Health Services Act 1980 (c. 53), sections 1 and 7 and Schedule 1, paragraph 42(b); by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 6, paragraph 2; by the Medical Act 1983 (c. 54), section 56(1) and Schedule 5, paragraph 16(a); by S.I. 1985/39, article 7(3); by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 18; and by the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 8.

(8) Regulation 25(1) was amended by S.I. 1999/261, regulation 22. Regulation 25(2) was amended by S.I. 1997/747, regulation 14; by S.I. 1998/693, regulation 11 and was amended with savings by S.I. 1999/261, regulations 22 and 29 respectively.

(9) S.I. 1993/567; the relevant amending instrument is S.I. 1995/693. Those instruments were revoked by S.I. 1998/706.

(10) Section 15(1B) of the 1977 Act was added by section 12(1) of the 1990 Act and substituted by the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 4(3); subsection (1C) of the 1977 Act was added by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 6.

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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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