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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 184**

**HEALTH AND PERSONAL SOCIAL SERVICES**

**The Health and Personal Social Services (Fund-holding Practices) (Amendment) Regulations (Northern Ireland) 1997**

*Made* - - - - *26th March 1997*

*Coming into operation* *1st April 1997*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 17(2) and (3), 18(4) and 19(1) to (5) of the Health and Personal Social Services (Northern Ireland) Order 1991(1) and of all other powers enabling it in that behalf hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Health and Personal Social Services (Fund-holding Practices) (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation on 1st April 1997.

(2) In these Regulations, “the principal Regulations” means the Health and Personal Social Services (Fund-holding Practices) Regulations (Northern Ireland) 1993(2).

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

2. In regulation 1(2) of the principal Regulations (interpretation)—

(a) after the definition of “bank account” insert—

““community fund-holding practice” means a fund-holding practice which has been granted recognition as a community fund-holding practice in accordance with regulation 4;”;

(b) after the definition of “savings” insert—

““standard fund-holding practice” means a fund-holding practice which has been granted recognition as a standard fund-holding practice in accordance with regulation 4;”.

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(1) S.I.1991/194 (N.I. 1)

(2) S.R. 1993 No. 142, as amended by S.R. 1996 No. 131

### **Amendment of regulation 2 of the principal Regulations**

3. In regulation 2 of the principal Regulations (application for recognition as a fund-holding practice), after paragraph (3) insert—

“(4) The application shall state whether it is an application for recognition as a community fund-holding practice or as a standard fund-holding practice.”.

### **Amendment of regulation 4 of the principal Regulations**

4. In regulation 4(1) of the principal Regulations (grant of recognition as a fund-holding practice) for “a fund-holding practice”, substitute “a standard fund-holding practice or a community fund-holding practice (as the case may be)”.

### **Amendment of regulation 6 of the principal Regulations**

5. For regulation 6 of the principal Regulations (conditions for continuing recognition) substitute

—  
“6. Subject to the provisions of Part IV the members of a standard fund-holding practice or community fund-holding practice (as the case may be) shall continue to be entitled to recognition as such if and for so long as the conditions specified in Schedule 2 are fulfilled in relation to that practice.”.

### **Amendment of regulation 8 of the principal Regulations**

6. In regulation 8(1) of the principal Regulations (withdrawal or death of a member of a fund-holding practice) for “in relation to the practice in question”, substitute “in relation to the kind of practice in question”.

### **Application for change in status of a recognised fund-holding practice**

7. After regulation 8 of the principal Regulations (withdrawal or death of a member of a fund-holding practice) insert the following regulation—

#### **“Application for change in status of a recognised fund-holding practice**

8A.—(1) A community fund-holding practice may apply to become a standard fund-holding practice and a standard fund-holding practice may apply to become a community fund-holding practice.

(2) In this regulation, an application under paragraph (1) is referred to as an “application for change in fund-holding status”.

(3) An application for change in fund-holding status to take effect from 1st April in any year shall be made by 1st April in the preceding year or, in the case of an application from a standard fund-holding practice to become a community fund-holding practice, such later date as the Department may agree.

(4) Regulations 2, 4 and 5 shall apply to an application for change in fund-holding status as they apply to an application for recognition as a fund-holding practice but as if the references in those regulations—

- (a) to an application were references to an application for change in fund-holding status; and
- (b) to the grant or refusal of recognition were references to the grant or refusal of an application for change in fund-holding status.”.

#### **Amendment of regulation 11 of the principal Regulations**

8. For regulation 11(2) of the principal Regulations (grounds for removal of recognition) substitute—

“(2) The Department may remove recognition from the members of a community fund-holding practice or a standard fund-holding practice (as the case may be) if any one or more of the conditions specified in Schedule 2 in relation to such a practice is no longer fulfilled in relation to that practice.”.

#### **Amendment of regulation 16 of the principal Regulations**

9. In regulation 16 of the principal Regulations (payment for drugs, medicines and listed appliances), in paragraph (8) for the definition of “Northern Ireland Central Services Agency” substitute—

““the Agency” means the agency constituted by Article 26 of the Health and Personal Social Services (Northern Ireland) Order 1972.”.

#### **Amendment of regulation 17 of the principal Regulations**

10. For regulation 17(2) of the principal Regulations (purchase of goods and services) substitute—

“(2) The goods and services referred to in paragraph (1) are the goods and 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 a list approved from time to time by the Department for the purposes of this regulation.”.

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

11. In regulation 19 of the principal Regulations (payments to staff), in paragraph (1) for “Subject to paragraphs (2), (3) and (4),”, substitute “Subject to paragraphs (2), (3) and (5),”.

#### **Amendment of regulation 20 of the principal Regulations**

12. In regulation 20 of the principal Regulations (payments to a member of a fund-holding practice)—

- (a) in paragraph (2) insert “standard” before “fund-holding practice”, and for “Part 2 of the list” substitute “Part I of the list”; and
- (b) in paragraph (3)(a) for “Part 2 of the list” substitute “Part I of the list”.

#### **Amendment of regulation 21 of the principal Regulations**

13. In regulation 21 of the principal Regulations (savings from the allotted sum), after paragraph (2) insert—

“(2A) The members of a fund-holding practice may, at any time, return to the Health and Social Services Board any savings which they do not wish to apply in accordance with paragraph (2).”.

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

14. In regulation 22 of the principal Regulations (recovery of misapplied sums)—

- (a) in paragraph (1) for “the provisions of this regulation” substitute “paragraph (6)”; and

- (b) in paragraph (6) after “members of the practice” insert “(or from any one or more of them)”.

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

**15.** In Schedule 1 to the principal Regulations (conditions for obtaining recognition as a fund-holding practice), for paragraph 1 substitute—

“**1.** In the case of an application for recognition as a standard fund-holding practice, on the date on which the application is made there is a total of at least 4,000 patients on the lists of patients of the members of the practice or, in the opinion of the Department, it is likely that there will be at least that many patients on those lists on the date on which any recognition would take effect in accordance with regulation 4(2).”.

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

**16.** In Schedule 2 to the principal Regulations (conditions for continuing recognition as a fund-holding practice), for paragraph 1 substitute—

“**1.** In the case of a standard fund-holding practice, for the first year following 1st April on which recognition as a fund-holding practice took effect in accordance with regulation 4(2), there are at least 4,000 patients on the lists of patients of the members of the practice.”.

Sealed with the Official Seal of the Department of Health and Social Services on

26th March 1997.

*J. Dixon*  
Assistant Secretary

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## EXPLANATORY NOTE

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

These Regulations further amend the Health and Personal Social Services (Fund-holding Practices) Regulations (Northern Ireland) 1993 (“the principal Regulations”), which regulate the recognition and operation of fund-holding practices.

The principal change effected by these Regulations is the creation of two levels of fund-holding practice. Any practice will be able to apply for recognition as a community fund-holding practice. Practices with at least 4,000 patients on their lists will be able to apply for recognition as a standard fund-holding practice.

Regulation 2 inserts two new definitions into the principal Regulations to take account of the two new types of fund-holding practice.

Regulations 3 to 6 amend the provisions in the principal Regulations relating to applications for recognition as fund-holding practices, the granting of recognition, the conditions for continuing recognition and associated matters.

Regulation 7 provides for one type of fund-holding practice to apply to become a fund-holding practice of the other type.

Regulation 10 amends the principal Regulations to make provision for different lists of goods and services which may be purchased for patients by community and standard fund-holding practices.

Regulation 13 provides for the return of savings from a fund-holding practice to the Health and Social Services Board.

Regulations 15 and 16 amend the Schedules to the principal Regulations to provide for the different types of fund-holding practice, and to reduce to 4,000 the list size requirement for standard fund-holding.

The Statement referred to in regulation 19(2) of the principal Regulations is available from the Department of Health and Social Services, Dundonald House, Upper Newtownards Road, Belfast BT4 3SF.