



National Health Service and Community Care Act 1990

1990 CHAPTER 19

PART I

THE NATIONAL HEALTH SERVICE: ENGLAND AND WALES

Fund-holding practices

15 Payments to recognised fund-holding practices.

- (1) In respect of each financial year, every [^{F1}Family Health Services Authority] shall be liable to pay to the members of each recognised fund-holding practice in relation to which it is the relevant [^{F1}Family Health Services Authority] a sum determined [^{F2}by the relevant Regional Health Authority] in such manner and by reference to such factors as the Secretary of State may direct (in this section referred to as an “allotted sum”).
- (2) In respect of each financial year, [^{F3}every Family Health Services Authority which has a locality in Wales] shall be liable to pay to the members of each recognised fund-holding practice [^{F4}in respect of whom it is the relevant Family Health Services Authority] a sum determined [^{F5}by the Secretary of State] in such manner and by reference to such factors as [^{F6}he] may direct (in this section referred to as an “allotted sum”).
- (3) The liability to pay an allotted sum under subsection (1) or subsection (2) above may be discharged, in whole or in part, in either of the following ways—
 - (a) by making payments on account of the allotted sum at such times and in such manner as the Secretary of State may direct; and
 - (b) by discharging liabilities of the members of the practice to any other person (including, in particular, liabilities under NHS contracts);

Status: Point in time view as at 01/04/1991. This version of this provision has been superseded.

Changes to legislation: National Health Service and Community Care Act 1990, Section 15 is up to date with all changes known to be in force on or before 16 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

and any reference in the following provisions of this Part of this Act to payment of or of a part of an allotted sum includes a reference to the discharge, in accordance with this subsection, of the whole or part of the liability to pay that sum.

(4) In any case where—

- (a) a [^{F7}Family Health Services Authority which has a locality in England] makes a payment of or of any part of an allotted sum to the members of a recognised fund-holding practice, and
- (b) some of the individuals on the list of patients of any of the members of the practice reside in the region of [^{F8}a Regional Health Authority which is not the relevant Regional Health Authority in respect of the members of the practice], or in Wales, or in the area of a Health Board,

the Authority making the payment shall be entitled to recover from that [^{F9}Regional Health Authority] or, as the case may be, from the Secretary of State or that Health Board an amount equal to such portion of the payment as may be determined in accordance with directions given by the Secretary of State.

(5) In any case where—

- (a) [^{F10}a Family Health Services Authority which has a locality in Wales] makes a payment of or of any part of an allotted sum to the members of a recognised fund-holding practice, and
- (b) some of the individuals on the list of patients of any of the members of the practice reside in the region of a Regional Health Authority,

[^{F11}the Authority making the payment] shall be entitled to recover from [^{F12}that Regional Health Authority] an amount equal to such portion of the payment as may be determined in accordance with directions given by the Secretary of State.

(6) The members of a recognised fund-holding practice may apply an allotted sum only for purposes specified in regulations under subsection (7) below.

(7) Regulations shall make provision with respect to the purposes for which allotted sums are to be or may be applied and may make provision generally with respect to the operation of recognised fund-holding practices in relation to allotted sums; and the regulations may, in particular,—

- (a) require the members of a practice to pay to the relevant Regional Health Authority out of allotted sums paid to them an amount determined in accordance with the regulations as the basic cost of the drugs, medicines and listed appliances supplied pursuant to orders given by or on behalf of members of the practice;
- (b) provide that the goods and services, other than general medical services, which may be purchased by or on behalf of the members of a practice out of allotted sums for the individuals on the lists of patients of the members of the practice shall be such as may be specified in a list approved for the purpose under the regulations; and
- (c) impose a limit on the amount which may be spent out of an allotted sum on the provision of goods and services for any one individual, being a limit above which the cost of any goods and services for that individual in the financial year in question will fall to be met by the District Health Authority whose primary functions include the provision of goods and services (not necessarily the goods and services in question) to the individual concerned.

(8) In the application of subsection (7) above to the members of a practice whose relevant Family Health Services Authority has a locality in Wales, for the reference in

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paragraph (a) of that subsection to the relevant Regional Health Authority there shall be substituted a reference to the Secretary of State.

- (9) In accordance with directions under section 17 of the principal Act, the relevant Family Health Services Authority shall monitor the expenditure of the members of a recognised fund-holding practice and may institute an audit and review in any case where the Authority consider it necessary to do so.

Extent Information

- E1** S. 15 other than s. 15(4) does not extend to Scotland

Textual Amendments

- F1** Words in s. 15(1) substituted (1. 4. 1991) by S.I. 1991/582, **regs. 21(1)(3)(a)**; and continued (1.4.1993) by S.I. 1993/567, **art. 26(3)(a)**
- F2** Words in s. 15(1) inserted (1. 4. 1991) by S.I. 1991/582, **regs. 21(1)(3)(a)**; and continued (1.4.1993) by S.I. 1993/567, **art. 26(3)(a)**
- F3** Words in s. 15(2) substituted (1. 4. 1991) by S.I. 1991/582, **regs. 21(1), 22(3)(a)(i)**; and continued (1.4.1993) by S.I. 1993/567, **art. 27(3)(a)(i)**
- F4** Words in s. 15(2) substituted (1. 4. 1991) by S.I. 1991/582, **regs. 21(1), 22(3)(a)(ii)**; and continued (1.4.1993) by S.I. 1993/567, **art. 27(3)(a)(ii)**
- F5** Words in s. 15(2) inserted (1. 4. 1991) by S.I. 1991/582, **regs. 21(1), 22(3)(a)(iii)**; and continued (1.4.1993) by S.I. 1993/567, **art. 27(3)(a)(iii)**
- F6** Words in s. 15(2) substituted (1. 4. 1991) by S.I. 1991/582, **regs. 21(1), 22(3)(a)(iv)**; and continued (1.4.1993) by S.I. 1993/567, **art. 27(3)(a)(iv)**
- F7** Words in s. 15(4)(a) substituted (1. 4. 1991) by S.I. 1991/582, **regs. 21(1)(3)(b)(i)**; and continued (1.4.1993) by S.I. 1993/567, **art. 26(3)(b)(i)**
- F8** Words in s. 15(4)(b) substituted (1. 4. 1991) by S.I. 1991/582, **regs. 21(1)(3)(b)(ii)**; and continued (1.4.1993) by S.I. 1993/567, **art. 26(3)(b)(ii)**
- F9** Words in s. 15(4) substituted (1. 4. 1991) by S.I. 1991/582, **regs. 21(1)(3)(b)(iii)**; and continued (1.4.1993) by S.I. 1993/567, **art. 26(3)(b)(iii)**
- F10** Words in s. 15(5) substituted (1. 4. 1991) by S.I. 1991/582, **regs. 21(1), 22(3)(b)(i)**; and continued (1.4.1993) by S.I. 1993/567, **art. 27(3)(b)(i)**
- F11** Words in s. 15(5) substituted (1. 4. 1991) by S.I. 1991/582, **regs. 21(1), 22(3)(b)(ii)**; and continued (1.4.1993) by S.I. 1993/567, **art. 27(3)(b)(ii)**
- F12** Words in s. 15(5) substituted (1. 4. 1991) by S.I. 1991/582, **regs. 21(1), 22(3)(b)(iii)**; and continued (1.4.1993) by S.I. 1993/567, **art. 27(3)(b)(iii)**

Modifications etc. (not altering text)

- C1** S. 15(1): Functions transferred in England (with effect from 1. 4. 1991) by S.I. 1991/582, **regs. 21(1)(2)**; and continued (1.4.1993) as mentioned in S.I. 1993/567, **art. 26(1)**
- C2** S. 15(2): Functions transferred in Wales (with effect from 1. 4. 1991) by S.I. 1991/582, **regs. 22(1)(2)**; and continued (1.4.1993) as mentioned in S.I. 1993/567, **art. 27(1)**

Commencement Information

- I1** S. 15 wholly in force at 1.4.1991 see s. 67(2) and S.I. 1990/1329, art. 2(8), **Sch. 3**.

Status:

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Changes to legislation:

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