
WELSH STATUTORY INSTRUMENTS

2000 No. 999

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

PART IV

FINAL BALANCE

Calculation and apportionment of final balance

7.—(1) When a Health Authority is satisfied that all liabilities and costs transferred to it or due to be met by it, have been discharged in accordance with articles 4, 5 and 6, the Health Authority shall determine whether there remains any part of the assets transferred under article 2.

(2) The Health Authority shall inform each former member of a fund-holding practice by notice of the unspent proportion of the transferred assets which, including any savings of a residual fund-holding practice for the financial year 1999-2000, is referred to in this Order as the final balance of the former members of the fund-holding practice.

(3) Where one or more of the former members of the fund-holding practice are included on the medical lists of one or more Health Authorities other than the relevant Health Authority, the final balance of that fund-holding practice shall be apportioned between the relevant Health Authority and such other Health Authority or Authorities in accordance with paragraphs (5) to (7) and the relevant Health Authority shall transfer to such other Health Authority or Authorities that proportion of the final balance to which each is entitled.

(4) Where the final balance of a former fund-holding practice is apportioned between Health Authorities the relevant Health Authority shall inform each Health Authority concerned and each former member of the fund-holding practice by notice of the apportionment and the amount of each former member's portion.

(5) The entitlement of each Health Authority shall be the portion of each former member of the fund-holding practice who is on its medical list calculated in accordance with paragraphs (6) and (7).

(6) Where there was a written agreement in force on 31st March 2000, between the former members of the fund-holding practice which made specific provision for the apportionment of savings between those members, the final balance shall be apportioned in accordance with that agreement.

(7) Where there was no such agreement in force on 31st March 2000, the final balance shall be apportioned between the former members of the fund-holding practice so that in respect of each former member of the fund-holding practice his portion of the final balance shall be the same proportion of the total final balance of the practice as the proportion which his list size bore to the sum of all the list sizes of the former members of the fund-holding practice on the apportionment date.

(8) Where a former member of a fund-holding practice dies or retires or leaves the practice following the apportionment of the practice's final balance—

- (a) where there is provision for the relevant contingency in an agreement under paragraph (6), the portion of the former member shall be dealt with in accordance with that agreement;
 - (b) where there is no agreement under paragraph (6) or such an agreement makes no provision for the relevant contingency, the portion of the former member shall be at the disposal of the Health Authority and article 8 shall not apply to that portion.
- (9) In this article, “apportionment date” means—
- (a) in the case of former fund-holding practices which were not recognised fund-holding practices on 31st March 2000, the date on which the former fund-holding practice ceased to be recognised as a fund-holding practice; and
 - (b) 31st March 2000, in the case of residual fund-holding practices which were still recognised on that date.