STATUTORY RULES OF NORTHERN IRELAND

# 1998 No. 323

# HEALTH AND PERSONAL SOCIAL SERVICES

## The Health and Personal Social Services (Fund-holding Practices) (Amendment) Regulations (Northern Ireland) 1998

| | |
|---|---|
| *Made - - - -* | *15th September 1998* |
| *Coming into operation* | *12th October 1998* |

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 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:

## Part I

## General

### 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) 1998 and shall come into operation on 12th October 1998.

(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.**—(1) Regulation 1 of the principal Regulations (citation, commencement and interpretation) is amended as follows.

(2) In paragraph (2), after the definition of "fund-holding account", insert—

""GP commissioning group" means a group of practices which have been granted recognition as a GP commissioning group in accordance with regulation 4;".

(**1**) S.I.1991/194 (N.I. 1) – as amended by S.I. 1994/429 (N.I. 2) and S.I. 1997/1177 (N.I. 7)
(**2**) S.R. 1993 No. 142 – as amended by S.R. 1996 No. 131 and S.R. 1997 No. 184

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

**3.** In regulation 2 of the principal Regulations (application for recognition as a fund-holding practice) for paragraph (4)(**3**) substitute—

"(4) The application shall state whether it is an application for recognition as—

(a) a community fund-holding practice,

(b) a standard fund-holding practice, or

(c) a GP commissioning group.".

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

**4.**—(1) Regulation 4 of the principal Regulations (grant of recognition as a fund-holding practice) is amended as follows.

(2) In paragraph (1)(**4**) for "or as a community fund-holding practice" substitute ", a community fund-holding practice or a GP commissioning group".

(3) For paragraph (2) substitute—

"(2) Subject to paragraph (3)(**5**)—

(a) in the case of a standard fund-holding practice or a community fund-holding practice, recognition which has been granted before 1st April 2003 shall take effect from 1st April 2003;

(b) in the case of a GP commissioning group, recognition shall take effect from 1st April following the grant of recognition.".

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

**5.**—(1) Regulation 6(**6**) of the principal Regulations (conditions for continuing recognition) is amended as follows.

(2) Renumber regulation 6 as paragraph (1) of that regulation.

(3) In paragraph (1) (as so renumbered) after "community fund-holding practice" insert "or GP commissioning group".

(4) After paragraph (1) (as so renumbered) insert—

"(2) In relation to a GP commissioning group, Schedule 2 applies

(a) as if in paragraph 4, "17," "19" and "19A" were omitted; and

(b) as if in paragraph 10, sub-paragraph (iv) were omitted.".

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

**6.** In regulation 8(5)(**7**) of the principal Regulations (withdrawal or death of a member of a fund-holding practice), after "Where a member of a" insert "standard fund-holding practice or community".

(**3**) Paragraph (4) was inserted by regulation 3 of S.R. 1997 No. 184
(**4**) Paragraph (1) was amended by regulation 4 of S.R. 1997 No. 184
(**5**) Paragraph (3) was inserted by regulation 3 of S.R. 1996 No. 131
(**6**) Regulation 6 was substituted by regulation 5 of S.R. 1997 No. 184
(**7**) Regulation 8 was substituted by regulation 4 of S.R. 1996 No. 131

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

**7.** For regulation 8A(1)(**8**) of the principal Regulations (application for change in status of a recognised fund-holding practice) substitute—

"(1) A fund-holding practice of one kind may apply to become a fund-holding practice of a different kind.".

**Amendment of regulation 10 of the principal Regulations**

**8.** In regulation 10 of the principal Regulations (consequences of renunciation of recognition), at the end of paragraph (2A)(**9**) insert—

"(and for this purpose regulation 21(2) shall apply as if the reference there to regulation 19A(7)(*j*) were to regulation 19A, and regulation 19A(2) shall not apply).".

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

**9.** In regulation 11(2)(**10**) of the principal Regulations (grounds for removal of recognition), after "standard fund-holding practice" insert "or a GP commissioning group".

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

**10.** Before regulation 17(1) of the principal Regulations (purchase of goods and services) insert—

"(A1) This regulation does not apply to the members of a GP commissioning group, and references in this regulation to "fund-holding practice" shall be construed accordingly.".

**Amendment of regulation 18 of the principal Regulations**

**11.**—(1) Regulation 18 of the principal Regulations (limit on provision of goods and services) is amended as follows.

(2) Renumber regulation 18 as paragraph (2) of that regulation.

(3) Before paragraph (2) (as so renumbered) insert—

"(1) This regulation does not apply to a GP commissioning group.".

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

**12.** Before regulation 19(1)(**11**) of the principal Regulations (payments to staff) insert—

"(A1) This regulation does not apply to the members of a GP commissioning group, and references in this regulation to "fund-holding practice" shall be construed accordingly.".

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

**13.** In regulation 19A(**12**) of the principal Regulations (payment for management expenses)—

(a) before paragraph (1) insert—

"(A1) This regulation does not apply to the members of a GP commissioning group, and references in this regulation to "fund-holding practice" shall be construed accordingly.";

(**8**) Regulation 8A was inserted by regulation 7 of S.R. 1997 No. 184
(**9**) Paragraph (2A) was inserted by regulation 5 of S.R. 1996 No. 131
(**10**) Paragraph (2) was substituted by regulation 8 of S.R. 1997 No. 184
(**11**) Regulation 19 was substituted by regulation 8 of S.R. 1996 No. 131
(**12**) Regulation 19A was inserted by regulation 9 of S.R. 1996 No. 131