1993 No. 142

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Fund-holding Practices) Regulations (Northern Ireland) 1993

Made . . . . . *25th March 1993*

Coming into operation . . *1st April 1993*

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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(**a**) and Article 90(7) of the Health and Personal Social Services (Northern Ireland) Order 1972(**b**) and of all other powers enabling it in that behalf, with the approval of the Department of Finance and Personnel, 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) Regulations (Northern Ireland) 1993 and shall come into operation on 1st April 1993.

(**a**) S.I. 1991/194 (N.I. 1)
(**b**) S.I. 1972/1265 (N.I. 14); Article 90(7) was substituted by S.I. 1991/194 (N.I. 1) Article 22

(2) In these regulations—

"allotted sum" has the same meaning as in Article 18(1) of the Order;

"application" means an application for recognition as a fund-holding practice;

"bank account" includes an account with a building society incorporated under the Building Societies Act 1986(a);

"former fund-holding practice" means the medical practitioners who were members of a fund-holding practice and who—

(*a*) have renounced recognition as a fund-holding practice in accordance with regulation 9; or

(*b*) from whom recognition has been removed in accordance with regulations 11 and 12 or 13 and 14,

whichever is appropriate;

"fund-holding account" means a bank account maintained by the members of a fund-holding practice for the purpose of receiving an allotted sum or any part of it;

"fund-holding practice" means a recognised fund-holding practice;

"notice" means notice in writing;

"practice" means a medical practitioner who, or a group of medical practitioners acting jointly and whether or not practising in partnership which, makes or proposes to make an application and "members of the practice" shall be construed accordingly;

"recognised fund-holding practice" shall be construed in accordance with Article 17 of the Order;

"the Order" means the Health and Personal Social Services (Northern Ireland) Order 1991.

(3) For the purposes of these regulations—

(*a*) any reference to a Health and Social Services Board is a reference to the relevant Health and Social Services Board, construed in accordance with Article 18(7) of the Order;

(*b*) an application is made when it is received by the person to whom it is required to be made in accordance with regulation 2;

(*c*) any reference to a fund-holding practice renouncing recognition is a reference to a fund-holding practice renouncing its status as a recognised fund-holding practice;

(*d*) any reference to the Department removing recognition is a reference to the Department removing recognition from the members of a fund-holding practice;

(*e*) any reference to the rights and liabilities of members of a fund-holding practice is a reference to rights and liabilities incurred in connection with the application of an allotted sum and in particular to rights and liabilities under HSS contracts.

(a) 1986 c. 53

(4) In these regulations any reference to the sending of a document is a reference to the sending of the document in a prepaid letter addressed, in the case of a medical practitioner, to him at the address given in the medical list and, in the case of the Department or a Health and Social Services Board, to it at its principal office.

PART II

RECOGNITION

Application for recognition as a fund-holding practice

2.—(1) An application shall be made in writing on a form approved by the Department and shall be sent to the Department.

(2) The application shall be signed by each member of the practice making it.

(3) The practice shall provide, in connection with the application, such information and documents as the Department may reasonably require for the purposes of determining the application.

Time of application

3. An application for recognition which is to take effect from 1st April in any year shall be made by 1st April in the preceding year.

Grant of recognition as a fund-holding practice

4.—(1) The Department shall grant recognition as a fund-holding practice if it is satisfied that the conditions specified in Schedule 1 are fulfilled.

(2) Recognition as a fund-holding practice shall be granted so as to take effect from 1st April following the grant of recognition.

Determination of application

5. The Department shall determine an application and shall—

(*a*) send to each member of the practice notice of its decision; and

(*b*) include in the notice a statement of the reasons for its decision.

Conditions for continuing recognition

6. The members of a fund-holding practice shall continue to be entitled to recognition as a fund-holding practice so long as the conditions specified in Schedule 2 are fulfilled in relation to that practice.

Additions to existing fund-holding practices

7.—(1) Subject to paragraph (2), where a medical practitioner (whether or not he is a member of another fund-holding practice) wishes to become a member of an existing fund-holding practice—

(*a*) he and the members of the existing fund-holding practice shall apply to the Department for recognition as a fund-holding practice in accordance with regulation 2; but

(*b*) regulations 3 and 4(2) shall not apply in the case of that application.

(2) Where a medical practitioner becomes a partner of a member of a fund-holding practice as a result of the grant of an application made by the medical practitioner under regulations 4, 8 or 10 of the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(**a**) (application for inclusion in the medical list or to succeed to a vacancy or to practise in partnership), he shall, on giving notice to that effect to the Department, be a member of that fund-holding practice notwithstanding that he did not join in the making of an application under regulation 2.

Withdrawal or death of a member of a fund-holding practice

8.—(1) Where—

(*a*) a member of a fund-holding practice withdraws from the practice or dies; but

(*b*) the conditions specified in Schedule 2 continue to be fulfilled in relation to the practice,

the recognition as a fund-holding practice of the remaining members of the practice shall not be affected by the withdrawal or death.

(2) A member of a fund-holding practice who is a partner of another member of the practice may not withdraw from the fund-holding practice unless he also ceases to be a partner of that other member.

PART III

RENUNCIATION OF RECOGNITION

Renunciation of recognition

9.—(1) The members of a fund-holding practice may renounce recognition by sending to the Department notice of their intention to renounce recognition with effect from the 31st March following the sending of the notice.

(2) The notice referred to in paragraph (1) shall—

(*a*) be signed by a majority of the members of the fund-holding practice;

(*b*) be sent at least one month before the 31st March following the sending of the notice; and

(*c*) be accompanied by a statement containing particulars of—

(i) the HSS contracts into which the members of the practice have entered;

(ii) the amount standing in the fund-holding account;

(iii) the amount standing in the fund-holding account which may be applied for the purposes specified in regulation 21 (savings from the allotted sum) and;

(iv) the liabilities of the members of the fund-holding practice.

(a) S.R. & O. (N.I.) 1973 No. 421: the relevant amending regulations are S.R. 1975 No. 180, S.R. 1983 No. 182, S.R. 1987 No. 247, S.R. 1989 No. 454, S.R. 1991 No. 97, S.R. 1991 No. 476, S.R. 1992 No. 452