1992 No. 436

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Fund-holding Practices) (Applications and Recognition) Regulations (Northern Ireland) 1992

Made . . . . . *9th October 1992*

Coming into operation . . *23rd November 1992*

The Department of Health and Social Services, (hereinafter referred to as "the Department"), in exercise of the powers conferred on it by Article 17(2) and (3) of the Health and Personal Social Services (Northern Ireland) Order 1991(**a**) 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) (Applications and Recognition) Regulations 1992 and shall come into operation on 23rd November 1992.

(2) In these regulations—

"the Order" means the Health and Personal Social Services (NI) Order 1991;

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

"application" means an application for the purposes of Article 17 of the Order for recognition as a fund-holding practice;

"medical list" means the list of medical practitioners prepared under regulation 4 of the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (NI) 1973(**b**);

"practice" means 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;

"relevant Health and Social Services Board" has the same meaning as in Article 18(7) of the Order.

(3) For the purposes of these regulations, an application is made when it is received by the person to whom it is required to be made in accordance with regulation 2.

(**a**) S.I. 1991/194 (N.I. 1)
(**b**) S.R. & O. (N.I.) 1973 No. 421

(4) In these regulations any reference to the sending of a document is a reference to the sending of a document by post addressed, in the case of a medical practitioner, to him at the address given in the medical list in which he is included and, in the case of the Department or a Health and Social Services Board, to them at their principal office.

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 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.

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

Time of application

3. An application for recognition which is to take effect from 1st April 1993 shall be made by 1st December 1992 and an application which is to take effect from 1st April in any subsequent 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—

(*a*) that the conditions specified in regulation 5 are fulfilled; and

(*b*) that the practice does not include both—

(i) a member who practises in a partnership where the total number of patients on the lists of patients of the medical practitioners in the partnership exceeds 7,000, and

(ii) a member who practises in another such partnership.

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

Conditions for obtaining recognition

5. The conditions referred to in regulation 4(1)(*a*) are that—

(*a*) on the date on which the application is made there will be a total of at least 7,000 patients on the lists of patients of members of the practice or it is likely that there will be a total of at least 7,000 patients on those lists on the date on which any recognition is to take effect;

(*b*) where some or all of the members of the practice are practising in partnership, the application is made (whether or not with other persons) by all the members practising in partnership;

(*c*) the members of the practice have shown themselves capable of managing their medical practices in general in an effective and efficient manner and that they possess, or have access to or are likely to possess or have access to, such equipment including computers and