

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.

(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

Consequences of renunciation of recognition

10.—(1) Subject to paragraphs (2) and (4), the consequences of renunciation are that the members of a fund-holding practice cease, on the 31st March specified in the notice referred to in regulation 9, to be recognised as a fund-holding practice.

(2) Notwithstanding a renunciation of recognition and subject to paragraph (5), a former fund-holding practice shall continue to fulfil the conditions specified in paragraphs 7, 8, 9, 10 and 11 of Schedule 2 until the Department is satisfied that all the liabilities of the former fund-holding practice have been discharged.

(3) When the Department is satisfied that all the liabilities of the fund-holding practice have been discharged, it shall send a notice to that effect to each member of the former fund-holding practice.

(4) If, after a notice under paragraph (3) has been sent, part of the allotted sum remains in the fund-holding account, the former fund-holding practice shall—

(a) continue to maintain the fund-holding account until no amount remains standing in that account;

(b) apply that sum only for the purposes specified in regulation 21 (savings from the allotted sum); and

(c) each month send to the Health and Social Services Board a statement specifying any withdrawal from the fund-holding account.

(5) If, at any time after the renunciation of recognition has taken effect, the Department is satisfied that—

(a) no part of the allotted sum remains in the fund-holding account; but

(b) the liabilities of the former fund-holding practice have not been discharged,

all the rights and liabilities of the former fund-holding practice shall, upon notice being sent to that effect to each member of the former fund-holding practice, transfer to the Health and Social Services Board.

PART IV

REMOVAL OF RECOGNITION

Grounds for removal of recognition

11.—(1) Where, by 28th February in any year, the Department has notified the members of a fund-holding practice of the amount of the allotted sum for the financial year beginning on the next 1st April and the members of the practice have not, within one month from the date on which that notice was sent, notified the Department that they are prepared to accept that amount as their allotted sum, the Department may remove recognition from them with effect from that 1st April (whether or not the recognition is one which has taken effect in accordance with regulation 4(2)).

(2) The Department may remove recognition from the members of a fund-holding practice if any one or more of the conditions specified in Schedule 2 is no longer fulfilled in relation to the practice.

Procedure for removal of recognition

12.—(1) Except as provided by regulations 13 and 14, where the Department proposes to remove recognition from the members of a fund-holding practice on the ground specified in regulation 11(2), the Department shall—

- (a) send to each member of the practice a notice specifying—
 - (i) the reason for the proposal; and
 - (ii) the date, which shall be at least three months from the date on which the notice is sent, on which the removal of recognition is proposed to take effect; and
- (b) inform the members of the practice that they may, subject to paragraphs (2) and (3), make representations to the Department concerning the matter, either orally or in writing.

(2) Where the members of the practice wish to make representations in writing, representations shall be sent to the Department within two months of the date on which the notice referred to in paragraph (1) was sent.

(3) Where the members of the practice wish to make representations orally they shall, within two weeks of the date on which the notice referred to in paragraph (1) was sent, give notice to that effect to the Department and the Department shall, within six weeks of the date on which the members of the fund-holding practice gave notice under this paragraph, give them an opportunity of appearing before and being heard by the Department.

(4) Where the Department decides, having taken into account any representations made by the members of the fund-holding practice, to remove recognition, the Department shall—

- (a) send to each member of the fund-holding practice a notice of its decision;
- (b) include in the notice—
 - (i) a statement of the reasons for the decision, and
 - (ii) the date on which the removal of recognition takes effect; and
- (c) inform each member of the practice of the consequences of removal of recognition.

(5) In the circumstances specified in regulation 11(1), the Department shall—

- (a) send to each member of the practice notice of removal of recognition;
- (b) include in the notice a statement of the reasons for the removal of recognition and that the removal has effect from the 1st April following the sending of the notice; and
- (c) except where recognition has not taken effect in accordance with regulation 4(2), inform each member of the practice of the consequences of the removal of recognition.

Removal of recognition with immediate effect

13. Where it appears to the Department that it is necessary either—

- (a) in the interests of patients of members of the practice; or
- (b) for the purpose of ensuring the proper management of the allotted sum,

that recognition should be removed under regulation 11(2) with immediate effect, the Department shall remove recognition with immediate effect.

Procedure for removal of recognition with immediate effect

14. In the circumstances specified in regulation 13, the Department shall—

- (a) send to each member of the practice a notice of removal of recognition;
- (b) include in the notice a statement of the reasons for the removal of recognition; and
- (c) inform each member of the practice of the consequences of the removal of recognition.

Consequences of removal of recognition

15.—(1) On the day on which removal of recognition takes effect, all the rights and liabilities of a fund-holding practice shall transfer to the Health and Social Services Board.

(2) Subject to paragraph (3), on the day on which the removal of recognition takes effect, the fund-holding account shall be treated as having been opened by the Health and Social Services Board and that Board may deal with the allotted sum or any part of it remaining in that account as though it were the fund-holding practice.

(3) Where, on the day on which removal of recognition takes effect, there remains in the fund-holding account any part of the allotted sum which may be applied for the purposes specified in regulation 21 (savings from the allotted sum), the Health and Social Services Board shall apply that part of the allotted sum for such of those purposes as the former fund-holding practice may require.

PART V

ALLOTTED SUM — AUTHORISED PURPOSES

Payment for drugs, medicines and listed appliances

16.—(1) The members of a fund-holding practice shall, in respect of each month, pay to the Health and Social Services Board out of the allotted sum an amount determined in accordance with this regulation 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.

(2) The amount referred to in paragraph (1) shall, subject to paragraph (7), be—

- (a) the price of the drugs, medicines or listed appliances calculated in accordance with paragraphs (3) and (4); minus
 - (b) an amount representing a percentage of the price of the drugs, medicines or listed appliances, calculated in accordance with paragraph (5); plus
 - (c) an amount representing the cost of the container or packaging in which the drug, medicine or listed appliance was supplied, calculated in accordance with paragraph (6).
- (3) The price referred to in paragraph (2)(a) of a drug or medicine shall be—
- (a) where the name of the drug or medicine is listed in a list in the Drug Tariff which specifies a price for a specified quantity of that drug or medicine, the price so specified;
 - (b) where the name of the drug or medicine is not so listed, the manufacturer's list price.
- (4) The price referred to in paragraph (2)(a) of a listed appliance shall be the price of the appliance specified in the Drug Tariff or, if not so specified, the manufacturer's list price.
- (5) The percentage referred to in paragraph (2)(b) shall be 6.35 per cent of the total basic cost of the drugs, medicines or listed appliances which have been supplied pursuant to orders given by or on behalf of the members of a fund-holding practice.
- (6) The amount referred to in paragraph (2)(c) shall be 0.51 per cent of the total basic cost of the drugs, medicines or listed appliances which have been supplied pursuant to orders given by or on behalf of the members of a fund-holding practice.
- (7) Where an amount calculated under paragraph (2)(a), (b) or (c) is in any month not an exact number of pounds, any amount of fifty pence or more shall be rounded up to, and any amount less than fifty pence shall be rounded down to, the nearest whole pound.
- (8) In this regulation—
- “the Drug Tariff” means the statement published under regulation 40 of the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973;
 - “listed appliance” means an appliance which is included in a list for the time being approved by the Department for the purposes of Article 63 of the principal Order;
 - “manufacturer's list price” means the price which the manufacturer of a drug or medicine or his wholesaler or supplier publishes as being the price of that drug or medicine.

Purchase of goods and services

17.—(1) Subject to paragraphs (3) to (7), the members of a fund-holding practice shall apply the allotted sum so as to secure the purchase of such of the goods and services, other than general medical services, referred to in paragraph (2) as are necessary for the proper treatment of individuals on the

lists of patients of the members of the practice and are appropriate in all the circumstances having regard, in particular, to the needs of all those individuals.

(2) The goods and services referred to in paragraph (1) are the goods and services specified in a list approved from time to time by the Department for the purposes of this regulation.

(3) The members of a fund-holding practice shall not purchase any of the goods or services specified in a list approved under paragraph (2) for an individual who is on the list of patients of a member of the practice from any provider with which any member of the practice is connected unless—

- (a) the Department has consented in writing to the purchase of those goods or services from that provider; or
- (b) it is impracticable, having regard to the condition of the patient, to obtain the consent and no alternative is available; or
- (c) the provider is a body other than a fund-holding practice, specified in Article 8(2) of the Order.

(4) The Department shall not consent to the purchase of any goods or services from a provider with which a member of the practice is connected unless it is satisfied that no member of the practice will receive any payment from the allotted sum whether directly or indirectly, which is wholly or mainly attributable to treatment given to individuals who are on the lists of patients of members of the practice, otherwise than in accordance with regulation 20.

(5) Where the members of a practice have obtained the consent of the Department under paragraph (3), the members of the practice shall give notice to the Department of any change either in the facilities available at, or the charges made by, the provider in respect of which the consent was given.

(6) Where the Department receives notice as mentioned in paragraph (5), it shall either confirm or withdraw its consent.

(7) For the purposes of this regulation—

- (a) a member of a fund-holding practice shall be treated as connected with a provider if—
 - (i) he is employed by, or is a close relative of a person who is employed by, the provider;
 - (ii) where the provider is a company, he is a director of the company or a partner of or employed by or a close relative of a person who is a director of the company;
 - (iii) he is in partnership with or is a close relative of a person who is in partnership with the provider;
 - (iv) where the provider is a fund-holding practice, he is a close relative of a member of that practice;
 - (v) where the provider is an individual, he is a close relative of that individual;
 - (vi) he has a beneficial interest in the securities of the provider; or
 - (vii) he provides or has provided any services to that provider;

and in this sub-paragraph, "close relative" means a husband, wife, brother, sister, father, mother, son or daughter;

- (b) "provider" means any person or body with whom the members of a fund-holding practice contract or propose to contract for the purchase of any of the goods and services specified in the list mentioned in paragraph (2).

Limit on provision of goods and services

18. There shall be a limit of £5,000 on the amount which may be spent out of an allotted sum on the provision of goods and services for any one individual in a financial year.

Payment of salaries

19.—(1) Subject to paragraphs (2) and (4), the members of a fund-holding practice may apply the allotted sum for the purpose of paying the salaries of those employees of members of the practice who are employed—

- (a) to provide treatment to the patients of the practice; or
(b) in connection with the management or administration of the practice.

(2) Where a Health and Social Services Board has, before the date on which the members of a fund-holding practice were granted recognition as a fund-holding practice, reimbursed a member of the practice in respect of a proportion of the salary of an employee of his, then the members of the fund-holding practice may apply the allotted sum for the purpose of paying, in respect of periods after that date, only that proportion of the salary of that employee or of any person employed in place of that employee to perform substantially the same functions.

(3) The members of a fund-holding practice may apply the allotted sum for the purpose of paying fees to persons for providing, on the practice premises, services which are necessary for the proper treatment of individuals who are on the lists of patients of the members of the practice.

(4) The members of a fund-holding practice shall not apply the allotted sum for the purpose of employing or engaging the services of a medical practitioner except for the purposes of providing to individuals who are on the lists of patients of members of the practice such services as are included in the list mentioned in regulation 17(2).

Payments to a member of a fund-holding practice

20.—(1) The members of a fund-holding practice may apply the allotted sum for the purpose of paying a medical practitioner who is a member of the practice, but only in accordance with an arrangement made in pursuance of paragraph (2).

(2) Subject to paragraphs (3) and (4), the members of a fund-holding practice may, with the written consent of the Department, enter into an arrangement with a medical practitioner who is a member of the practice for the provision by that medical practitioner of services specified in Schedule 3 to patients who are on the lists of patients of members of the practice.

(3) The Department shall not consent to an arrangement made under paragraph (2) unless it is satisfied that—

- (a) the services to be provided are included in Schedule 3;
- (b) the medical practitioner with whom the arrangement is to be made to provide those services is suitably qualified, competent and experienced;
- (c) the medical practitioner with whom the arrangement is to be made does not propose to spend more than 30 hours in any one month in the provision of those services;
- (d) the facilities, including premises, for the provision of those services pursuant to the arrangement are suitable;
- (e) the payments which it is proposed shall be made in respect of the provision of those services—
 - (i) are reasonable;
 - (ii) represent value for money; and
 - (iii) are to be made directly to the medical practitioner who provides the services or to the partnership of which he is a member and not to any third party.

(4) Where the members of a practice have obtained the consent of the Department under paragraph (2) they shall give notice to the Department of any change in the matters specified in paragraph (3) upon which the consent was based.

(5) Where the Department receives notice as mentioned in paragraph (4), it shall either confirm or withdraw its consent.

Savings from the allotted sum

21.—(1) The members of a fund-holding practice may discharge their obligations under regulations 16 and 17 and exercise their powers under regulations 19 and 20 in such a way as to take into account any benefit to individuals on the lists of patients of the members of the practice which, in their opinion, would be derived from making savings to be applied in accordance with the following provisions of this regulation and regulations 16, 17, 19 and 20 shall be construed accordingly.

(2) Where the accounts for a financial year of members of a fund-holding practice have been audited, the members of a fund-holding practice may, within the period of four years after the end of that financial year, continue to apply any part of the allotted sum paid to them in respect of that financial year for the purposes specified in regulations 16, 17, 19 and 20 and, in addition, for the benefit of the patients of the practice, for any one or more of the following purposes—

- (a) the purchase of material or equipment which—
 - (i) can be used for the treatment of patients of the members of the practice;
 - (ii) enhances the comfort or convenience of patients of the members of the practice;

- (iii) enables the practice to be managed more effectively and efficiently; or
- (b) the purchase of material or equipment relating to health education; or
- (c) the improvement of any premises from which the members of the practice carry on their practice whether by improving the structure of the premises or the purchase of furniture and furnishings for the premises.

PART VI

MISCELLANEOUS

Recovery of misapplied amounts

22.—(1) Where it appears to the Department that any part of an allotted sum has been applied by the members of a fund-holding practice (or any one or more of them) otherwise than in accordance with regulations 16, 17, 19, 20 or 21, it may seek to recover that amount in accordance with the provisions of this regulation.

(2) The Department shall send to each member of the practice notice informing them of the amount which it is alleged has been misapplied and the nature and circumstances of the alleged misapplication and that they may make representations to the Department concerning the matter, either orally or in writing.

(3) Where the members of a fund-holding practice wish to make representations in writing, they shall do so within two months of the date on which the notice referred to in paragraph (2) was sent.

(4) Where the members of the practice wish to make representations orally they shall, within two weeks of the date on which the notice referred to in paragraph (2) was sent, give notice to that effect to the Department and the Department shall, within six weeks of the date on which the members of the fund-holding practice gave notice under this paragraph, give them an opportunity of appearing before and being heard by the Department.

(5) Where the Department, having taken into account any representations made by the members of the fund-holding practice, is satisfied that any part of an allotted sum has been misapplied as mentioned in paragraph (1), it shall—

- (a) send to each member of the practice a notice of its determination to that effect;
- (b) include in the notice a statement of the reasons for its decision.

(6) An amount equal to that part of the allotted sum which the Department has determined has been misapplied as mentioned in paragraph (1) shall be recoverable from the members of the practice by the Department as a civil debt.

Revocation

23. The Health and Personal Social Services (Fund-holding Practices) (Applications and Recognition) Regulations (Northern Ireland) 1992(a) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 25th March 1993.

(L.S.)

J. G. McGrath

Assistant Secretary

The Department of Finance and Personnel hereby approves paragraph 11 Schedule 2.

Sealed with the Official Seal of the Department of Finance and Personnel on 25th March 1993.

(L.S.)

R. Miller

Assistant Secretary

SCHEDULE 1

Regulation 4(1)

Conditions for obtaining recognition as a fund-holding practice

1. On the date on which the application is made there was a total of at least 7,000 patients on the lists of patients of members of the practice or, in the opinion of the Department, 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 would take effect.

2. 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.

3. The practice does not include both—

(a) 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

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

4. The practice is, in the opinion of the Department, capable of managing an allotted sum effectively and efficiently and in particular, it possesses, or has access to, the expertise and equipment, such as computers, necessary to enable it to do so.

5. The members of the practice agree to comply with the conditions for continuing recognition set out in Schedule 2 to these regulations.

6. Where the members of the practice are not partners in a single partnership, the members of the practice have entered into an agreement, approved by the Department, which provides that any act of a member of the practice with respect to the allotted sum binds the other members of the practice.

Conditions for continuing recognition as a fund-holding practice

1. There is a total of at least 7,000 patients on the lists of patients of the members of the practice or, although there is a total of less than 7,000 patients on those lists, in the opinion of the Department, there is likely to be a total of at least 7,000 on those lists by the 1st April following the date on which it came to the notice of the Department that the total number of patients on the lists of members of the practice was less than 7,000.

2. 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.

3. Where the members of the practice are not partners in a single partnership there is in force an agreement such as is mentioned in paragraph 6 of Schedule 1.

4. The allotted sum is applied in accordance with regulations 16, 17, 19, 20 and 21.

5. The members of the practice are managing the allotted sum effectively and efficiently.

6. Where the members of the practice employ a person or purchase any services, they first satisfy themselves that the employee has such qualifications, training and experience as are necessary for that employment or, as the case may be, that the provider of the services is suitably competent to provide those services.

7. The members of the practice maintain a fund-holding account.

8. The members of the practice make payments from the allotted sum or any part of it only through the fund-holding account.

9. No sums are paid into the fund-holding account other than the allotted sum or any part of it.

10. The members of the practice send to the Health and Social Services Board, before the end of each month, such information relating to the preceding month as the Health and Social Services Board may reasonably require in relation to the management of the allotted sum and in particular to—

- (i) transactions effected through the fund-holding account,
- (ii) the amount standing in the fund-holding account at the end of the preceding month,
- (iii) whether any such amount includes an amount which may be applied for the purposes specified in regulation 21 (savings from the allotted sum), and
- (iv) the arrangements made for the purchase of goods and services referred to in regulation 17(2).

11. The annual accounts of a fund-holding practice which are required to be kept under Article 90(5)(c) of the principal Order(a) shall be submitted to the Health and Social Services Board within six weeks of the end of the financial year to which the accounts relate.

12. The members of the practice shall not, except in the circumstances specified in sub-paragraphs (a), (d), (f) and (k) to (o) of paragraph 17 of Schedule 1 to the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(b) (acceptance of fees), demand or accept from any patient of a member of the practice for whom general medical services are provided a payment (including a payment in kind) in respect of any treatment—

- (i) provided by a member of the practice, or
- (ii) which a member of the practice has arranged to be provided for the patient, whether or not the treatment is to be provided under the Order or the principal Order.

(a) S.I. 1972/1265 (N.I. 14) as substituted by Article 22 of S.I. 1991/194 (N.I. 1)

(b) S.R. & O. (N.I.) 1973 No. 421; the relevant amending regulations are S.R. 1983 No. 182, S.R. 1985 No. 69 and S.R. 1989 No. 454

SCHEDULE 3

Services in respect of which a member of a fund-holding practice may receive payment*Pathology*

Blood counts
Tests for liver function and electrolytes

Ophthalmology

Chalazion operation
Operations for obstruction of the nasolacrimal duct

Ear, Nose and Throat

Puncture of maxillary antrum with washout
Pharyngoscopy
Laryngoscopy

General Surgery

Endoscopy (upper gastro-intestinal tract)
Sigmoidoscopy
Ligation of varicose veins (below knee)

Genito-Urinary Surgery

Diagnostic flexible cystoscopy
Vasectomy

Gynaecology

Colposcopy
Marsupialisation of Bartholin's cyst

Orthopaedics

Excision of ganglion
Carpal tunnel release

Other

Diagnostic ultrasound (not obstetric)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations contain provisions relating to the recognition and operation of fund-holding practices.

A fund-holding practice means a practice of one or more medical practitioners who are providing general medical services in accordance with arrangements under Article 56 of the Health and Personal Social Services (Northern Ireland) Order 1972 which has been recognised as a fund-holding practice by the Department of Health and Social Services in accordance with Article 17 of the Health and Personal Social Services (Northern Ireland) Order 1991. A fund-holding practice is entitled to be paid an allotted sum in accordance with Article 18(1) of the 1991 Order and may use that sum only for purposes specified in these Regulations.

The Regulations include provision about—

- (1) the interpretation of the Regulations (Part I),
- (2) recognition as a fund-holding practice, including applications for recognition, the conditions for obtaining and continuing recognition and the determination of applications (Part II),
- (3) renunciation of recognition including the procedure for renunciation and its consequences (Part III),
- (4) removal of recognition as a recognised fund-holding practice, including the grounds for removal, the procedure for removal and the consequences of removal (Part IV),
- (5) the purposes for which allotted sums may be applied (Part V),
- (6) the recovery of misapplied amounts (Part VI).

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