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

ancillary equipment and such expertise including appropriate staff resources as are necessary to assist them, and so are likely to be able to manage effectively and efficiently an allotted sum; and

(*d*) 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.

Determination of application

6. 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.

Sealed with the Official Seal of the Department of Health and Social Services on 9th October 1992.

(L.S.) *J. G. McGrath*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations contain provisions about applications by medical practitioners providing general medical services under the health service for recognition as fund-holding practices and the grant of recognition by the Department of Health and Social Services.

The Regulations include provisions about—

(1) applications for recognition as a fund-holding practice (regulation 2),

(2) the timing of the application (regulation 3),

(3) the grant of recognition as a fund-holding practice (regulation 4),

(4) the conditions for obtaining recognition (regulation 5),

(5) determination of the application (regulation 6).

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This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.