

SCHEDULE 1

Regulation 5(1)

CONDITIONS FOR OBTAINING RECOGNITION AS A FUND-HOLDING PRACTICE (REGULATION 5(1))

1. On the date on which the application is made there are—
 - (a) in the case of an application for recognition as a community fund-holding practice, at least 3,000 patients, or
 - (b) in the case of an application for recognition as a standard fund-holding practice, at least 5,000 patients,

on the lists of patients of the members of the practice or, in the opinion of the Secretary of State, it is likely that there will be at least that many patients on those lists on the date on which any recognition would take effect in accordance with regulation 5(2).

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 the partnership.

3. The practice is, in the opinion of the Secretary of State, capable of managing an allotted sum effectively and efficiently.

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

5. 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 Health Authority, which—

- (a) provides that any act of a member of the practice with respect to the allotted sum binds the other members of the practice; and
- (b) provides for the determination of how much of the allotted sum, including any savings, is to be allocated to each member of the practice.

SCHEDULE 2

Regulation 8

CONDITIONS FOR CONTINUING RECOGNITION AS A FUND-HOLDING PRACTICE

1. Where recognition has been granted in accordance with regulation 5(1) but has not taken effect in accordance with regulation 5(2), there are, in the case of a community fund-holding practice, at least 3,000 patients or in the case of a standard fund-holding practice, at least 5,000 patients, on the lists of patients of the members of the practice or, in the opinion of the Secretary of State, it is likely that there will be at least that many patients on those lists by 1st April on which recognition will take effect in accordance with regulation 5(2).

2. For the first year following 1st April on which recognition as a fund-holding practice took effect in accordance with regulation 5(2), there are, in the case of a community fund-holding practice, at least 3,000 patients or in the case of a standard fund-holding practice, at least 5,000 patients, on the lists of patients of the members of the practice.

3. The members of the fund-holding practice are, and in the opinion of the Secretary of State will continue to be, capable of managing the allotted sum effectively and efficiently and in particular, they possess or have access to, the equipment (including computers) and expertise necessary to enable them to do so.

4. 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 5 of Schedule 1.

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5. The allotted sum is applied in accordance with regulations 19, 20, 22, 23, 24 and 25, except where recognition has been granted but has not taken effect in accordance with regulation 5(2), in which case the allotted sum shall be applied only in accordance with regulation 23.

6. Where the members of a fund-holding practice employ a person or purchase any services, they first satisfy themselves that the employee has such qualifications, training and experience as is 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 fund-holding practice maintain a fund-holding account.

8. The members of the fund-holding 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 fund-holding practice send to the Health Authority before the end of each month, such information relating to the preceding month as the Health Authority may reasonably require in relation to the management of the allotted sum and in particular to—

- (a) transactions effected through the fund-holding account,
- (b) the amount standing in the fund-holding account at the end of the preceding month,
- (c) whether any such amount includes an amount which may be applied for the purposes specified in regulation 25, and
- (d) the arrangements made for the purchase of the goods and services referred to in regulation 20(2).

11. The members of the fund-holding practice send to the Health Authority—

- (a) before the beginning of each financial year, a practice plan outlining how the practice proposes to spend its allotted sum; and
- (b) by 30th June in each year, an annual report summarising how its allotted sum has been spent in the most recent financial year.

12. The annual accounts of a fund-holding practice which are required to be kept under section 98(2B)(c) of the 1977 Act shall be submitted to the Health Authority within six weeks of the end of the financial year to which the accounts relate.

13. The members of the fund-holding practice shall not, except in the circumstances specified in sub-paragraphs (c), (d), (f) and (h) to (o) of paragraph 38 of Schedule 2 to the National Health Service (General Medical Services Regulations 1992(1) (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—

- (a) provided by a member of the practice, or
- (b) 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 1990 Act or the 1977 Act.

14. The members of the fund-holding practice shall secure that the procedure to investigate complaints established and operated under paragraph 47A of Schedule 2 to the National Health Service (General Medical Services) Regulations 1992(2) applies in relation to complaints about their use of the allotted sum and they shall cooperate as required by paragraph 47B of those terms of service with the investigation of such complaints by Health Authorities.

(1) S.I.1992/635. Relevant amending instruments are S.I. 1993/540, S.I. 1995/80.

(2) Paragraphs 47A and 47B were inserted by S.I. 1996/702.

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