
STATUTORY INSTRUMENTS

1993 No. 567

The National Health Service (Fund-holding Practices) Regulations 1993

PART I
GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Fund-holding Practices) Regulations 1993 and shall come into force on 1st April 1993.

(2) In these Regulations, unless the context otherwise requires—

“the 1977 Act” means the National Health Service Act 1977;

“the 1990 Act” means the National Health Service and Community Care Act 1990;

“allotted sum” has the same meaning as in section 15 of the 1990 Act;

“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⁽¹⁾;

“FHSA” means a Family Health Services Authority;

“Family Health Services Authority” means a body of that name established by the Secretary of State under section 10(1) of the 1977 Act⁽²⁾;

“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 11; or

(b) from whom recognition has been removed in accordance with regulations 13 and 14 or 15 and 16,

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;

“health service body” has the same meaning as in section 4 of the 1990 Act;

“notice” means notice in writing;

⁽¹⁾ 1986 c. 53.

⁽²⁾ Section 10 was substituted by section 5(1) of the Health and Social Security Act 1984 (c. 48) and amended by section 2(3) of the 1990 Act. By virtue of section 2(1)(b) of that Act, references in any enactment to a Family Practitioner Committee fall to be construed as references to a Family Health Services Authority.

“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;

“relevant FHSA” means a relevant Family Health Services Authority as defined in section 15(1B) of the 1977 Act⁽³⁾.

(3) In these regulations, any reference to a Regional Health Authority is a reference to the relevant Regional Health Authority, construed in accordance with section 14(3) of the 1990 Act.

(4) 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 3.

(5) In these Regulations, 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.

(6) In these Regulations, any reference to a Regional Health Authority removing recognition is a reference to that Authority removing recognition from the members of a fund-holding practice.

(7) In these Regulations, 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 NHS contracts.

(8) In these Regulation any reference to the sending of a document is a reference to the sending of the document in a pre-paid letter 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 Secretary of State or a Regional Health Authority, to them at their principal office.

Application of Regulations in Wales

2.—(1) Subject to paragraph (2) and except in regulation 3(4), in the application of these Regulations to any medical practitioner whose relevant FHSA has a locality in Wales, for any reference to the Regional Health Authority there shall be substituted a reference to the Secretary of State.

(2) Regulations 6(c) and 7 do not apply in relation to an application which, by virtue of paragraph (1) or regulation 3(4), has been made to the Secretary of State.

(3) Subject to paragraph (4), in the application of these Regulations to any fund-holding practice whose recognition has been granted by the Secretary of State by virtue of paragraph (1), for any reference to the Regional Health Authority there shall be substituted a reference to the Secretary of State.

(4) Regulations 14(4)(c)(i) and (5)(c)(i), 16(c)(i), 17 and 25(5)(c) and (6) do not apply to any fund-holding practice whose recognition has been granted by the Secretary of State.

(3) Section 15 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraphs 35 and 90, and by the Health and Social Security Act 1984 (c. 48), section 5(2) and Schedule 8; subsection (1B) was added by section 12(1) of the 1990 Act.