
STATUTORY INSTRUMENTS

1997 No. 1014

The National Health Service (Fund-Holding Practices) (Scotland) Regulations 1997

PART V

ALLOTTED SUM-AUTHORISED PURPOSES

Payment for goods and services

18.—(1) Subject to paragraphs (3) to (9) the members of a fund-holding practice shall apply the allotted sum to secure the purchase of such 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 the case of standard fund-holding practices in Part I, in the case of primary care purchasing practices in Part II, and in the case of purchasing co-operatives in Part III, of a list approved from time to time by the Secretary of State for the purposes of this regulation.

(3) Where—

- (a) the list mentioned in paragraph (2) includes services in connection with the termination of pregnancy; and
- (b) the members of a fund-holding practice do not wish to purchase such services in any financial year,

they may give notice to that effect to the Health Board not later than 6 months from the date on which their grant of recognition had effect, or in any other case by 30th September in the preceding year.

(4) Where—

- (a) the members of the practice have given notice as mentioned in paragraph (3); or
- (b) a patient of a member of a practice either refers herself for such services to a Health Board or an NHS Trust or is referred by a doctor who is not a member of the fund-holding practice,

the cost of any such services as are provided to individuals on the lists of patients of members of the practice in the financial year in question shall be met by the Health Board whose primary functions include the provision of goods and services to those individuals.

(5) The members of a fund-holding practice shall enter into at least one contract for the purchase of such community nursing services as are specified in the list mentioned in paragraph (2) and shall obtain the written consent of the relevant Health Board to that contract.

(6) The relevant Health Board shall consent to a contract for the purchase of the community nursing services mentioned in paragraph (5) if it is satisfied that the proposed provider—

- (a) is either a Health Board or an NHS Trust; and

- (b) has either itself provided, or has assumed responsibility for the relevant establishments or facilities of a body which provided, such community nursing services, whether under an NHS contract or not and whether to the patients of the members of the fund-holding practice or not, for the whole of the calendar year ending on the date from which the proposed services are to be purchased.

(7) 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 person or body in relation to which any member of the practice has a conflict of interest unless—

- (a) the relevant Health Board has consented in writing to the purchase of those goods or services from that person or body, 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 body is a health service body other than a fund-holding practice.

(8) The relevant Health Board shall not consent to the purchase of any goods or services from any person or body in relation to which any member of the practice has a conflict of interest 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 19.

(9) Where the members of a practice have obtained the consent of the relevant Health Board under paragraph (6) or (7), the members of the practice shall notify that Board in writing forthwith—

- (a) in the case of consent under paragraph (6), of any change in the nature or level of the services in respect of which the consent was given; and
- (b) in the case of consent under paragraph (7), of any change either in the facilities made available, or the charges made for the services provided by the person or body in respect of which the consent was given.

(10) Where a Health Board receives notice as mentioned in paragraph (9), it shall either confirm or withdraw that consent.

(11) For the purposes of this regulation—

- (a) “community nursing services” means—
 - (i) services provided by a health visitor, or
 - (ii) services provided by a nurse;
- (b) a member of a fund-holding practice shall be treated as having a conflict of interest in relation to a body if—
 - (i) he is a director of, or is in the employment of, the body, or
 - (ii) he is a partner of, or is in the employment of, or is a close relative of, a person who is a director of the body, or
 - (iii) where the body is a fund-holding practice, he is a close relative of a member of the practice, or
 - (iv) he is a close relative of a person in the employment of the body, or
 - (v) he has a beneficial interest in the securities of the body, or
 - (vi) he provides or has provided any services to that body;
- (c) a member of a fund-holding practice shall be treated as having a conflict of interest in relation to a person if—
 - (i) he is a close relative of the person, or

- (ii) he is a partner of the person, or
 - (iii) he is in the employment of the person, or
 - (iv) he provides or has provided any services to the person;
- (d) “close relative” means a husband, wife, brother, sister, father, mother, son or daughter.