
STATUTORY INSTRUMENTS

1998 No. 658

The National Health Service (Fund-holding Practices) (Scotland) Amendment Regulations 1998

PART II

AMENDMENTS CONSEQUENTIAL UPON THE NATIONAL HEALTH SERVICE (PRIMARY CARE) ACT 1997

Amendment of regulation 1 of the principal Regulations

2.—(1) Regulation 1 of the principal Regulations (citation, commencement and interpretation) is amended as follows.

(2) In paragraph (2), in the appropriate position in alphabetical order, insert—

““the 1997 Act” means the National Health Service (Primary Care) Act 1997(1);”;

““personal medical services” has the meaning given to it in section 1(8) of the 1997 Act;”;

““pilot scheme” has the meaning given to it in section 1 of the 1997 Act;”;

““pilot scheme provider” means a person who provides personal medical services in connection with a pilot scheme;”.

(3) In paragraph (8) after the words “Health Board” where they first occur insert “or, in the case of a medical practitioner who is not included in a medical list but who performs personal medical services under a pilot scheme, to the address of the pilot scheme provider given in the pilot scheme”.

Amendment of regulation 2 of the principal Regulations

3. In regulation 2 of the principal Regulations (application for recognition as a fund-holding practice) in paragraph (5)—

(a) after the words “Health Authority” insert “or performs personal medical services under a pilot scheme to which a Health Authority is a party”; and

(b) after the words “National Health Service Act 1977” insert “or, as the case may be, performing personal medical services under a pilot scheme to which a Health Authority is a party”.

Amendment of regulation 8 of the principal Regulations

4. In regulation 8 of the principal Regulations (withdrawal or death of a member of a fund-holding practice) in paragraph (5)(a), after the words “Health Board” insert “or to perform personal medical services under a pilot scheme to which the Health Board is a party”.

Amendment of regulation 17 of the principal Regulations

5.—(1) Regulation 17 of the principal Regulations (payment for drugs, medicines and listed appliances) is amended as follows.

(2) Before paragraph (1) insert—

“(A1) This regulation does not apply to the members of a standard fund-holding practice or a primary care purchasing practice who perform personal medical services under a pilot scheme, and—

- (a) the pilot scheme makes provision for the cost (however calculated) of the drugs, medicines and listed appliances supplied pursuant to orders given by or on behalf of members of the practice to be deducted from the net consideration payable under the pilot scheme to the provider or accounted for in some other way; or
- (b) under which there are to be provided services which are not personal medical services, but which are services which may be provided by virtue of section 1(3) of the 1997 Act (other than the provision of drugs, medicines or appliances for immediate treatment or by way of personal administration or application),

and references in this regulation to “fund-holding practice” shall be construed accordingly.”.

Amendment of regulation 20 of the principal Regulations

6. In regulation 20 of the principal Regulations (payment of salaries), before paragraph (1) insert—

“(A1) This regulation does not apply to the members of a standard fund-holding practice or primary care purchasing practice who perform personal medical services under a pilot scheme which makes provision for the cost (however calculated) of payments to staff to be included in the consideration payable under the pilot scheme to the provider, and references in this regulation to “fund-holding practice” shall be construed accordingly.”.

Amendment of Schedule 1 to the principal Regulations

7. In Schedule 1 to the principal Regulations (conditions for obtaining recognition as a fund-holding practice), after paragraph 4 insert—

“**5.** In the case of members of a practice who provide or perform personal medical services under a pilot scheme—

- (a) none of them is employed by another person in accordance with the requirements of section 87A(1)(2) of the Act;
- (b) in connection with the pilot scheme each member of the practice has a list of patients and the members together do not have a single list of patients; and
- (c) the pilot scheme does not provide for persons to receive under the pilot scheme any of the goods or services specified, in the case of standard fund-holding practices in Part I, and in the case of primary care purchasing practices in Part II, of the list approved from time to time by the Secretary of State for the purposes of regulation 18.”.

Amendment of Schedule 2 to the principal Regulations

8. In Schedule 2 to the principal Regulations (conditions for continuing recognition as a fund-holding practice) after paragraph 13 insert—

“**14.** In the case of members of a practice who provide or perform personal medical services under a pilot scheme—

- (a) none of them is employed by another person in accordance with the requirements of section 87A of the Act;
- (b) in connection with the pilot scheme each member of the practice has a list of patients and the members together do not have a single list of patients; and
- (c) the pilot scheme does not provide for persons to receive under the pilot scheme any of the goods or services specified, in the case of standard fund-holding practices in Part I, and in the case of primary care purchasing practices in Part II, of the list approved from time to time by the Secretary of State for the purposes of regulation 18.”.