
STATUTORY INSTRUMENTS

2004 No. 865

**The General Medical Services and Personal Medical Services
Transitional and Consequential Provisions Order 2004**

PART 8

MISCELLANEOUS

Details to be included on prescription forms etc.

105.—(1) Notwithstanding—

- (a) the terms of a general medical services contract which give effect to Schedule 1 to and paragraph 66(2)(b) of Schedule 6 to the 2004 Regulations;
- (b) the equivalent terms of a default contract; or
- (c) the terms of a personal medical services agreement which give effect to Schedule 1 to and paragraph 66(2)(b) of Schedule 5 to the National Health Service (Personal Medical Services Agreements) Regulations 2004⁽¹⁾,

prescription forms, repeatable prescriptions or batch issues issued for the purposes of a default contract, a general medical services contract or a personal medical services agreement before 31st March 2005 need not include the name of the contractor.

(2) In paragraph (1), “batch issue”, “prescription form” and “repeatable prescription” have the same meaning as in regulation 2(1) of the 2004 Regulations.

Transitional provision in cases where preferential treatment on transferring to medical lists was given

106.—(1) This article applies to any case to which, on or before 31st March 2004, paragraph 1 of Schedule 1 (cases where preferential treatment on transferring to medical lists is given) to the Primary Care Act 1997⁽²⁾ (“the Schedule”) applies.

(2) If —

- (a) a medical practitioner had made an application to a Primary Care Trust, pursuant to paragraph 1 of the Schedule, for his name to be included in its medical list; and
- (b) the matter had not been determined on or before 31st March 2004,

paragraph 7 of Schedule 1 (transitional and consequential provisions) to the Performers Lists Regulations shall apply.

(3) In a case where—

- (a) paragraph (2) applies; and

⁽¹⁾ S.I.2004/627.

⁽²⁾ 1997 c. 46. Schedule 1 is repealed by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedule 14, Part 4 and the repeal was commenced on 1st April 2004 by S.I. 2004/288.

- (b) the Primary Care Trust determines to add that medical practitioner's name to its medical performers list,

that medical practitioner shall be treated as though his name had been included in the medical list of that Primary Care Trust on 31st March 2004.

(4) In any case where representations under paragraph 3 of the Schedule have been made and the FHSAA ("the Authority") has not determined that matter on or before 31st March 2004, the matter shall be treated by the Authority as though it were an appeal against the refusal of the Primary Care Trust to include that medical practitioner's name in its medical performers list.

(5) If the Authority decides that appeal in favour of that medical practitioner—

- (a) his name shall be included in that Primary Care Trust's medical performers list; and
 (b) he shall be treated as though his name had been included in the medical list of that Primary Care Trust on 31st March 2004.

(6) In a case to which paragraph (4) applies ("paragraph 4 case"), if that medical practitioner had applied to be included in the medical performers list of any Primary Care Trust or, by virtue of paragraph 7 of Schedule 1 to the Performers Lists Regulations, is treated as so applying, any appeal to the Authority in respect of that application shall be heard with the paragraph 4 case.

Continuing validity of forms

107. Notwithstanding the amendments made by paragraphs 1(3) and 5 of Schedule 1 to the form of certificates set out in Part 2 of Schedule 2 to the Social Security (Medical Evidence) Regulations 1976(3) and in Part 2 of the Schedule to the Statutory Maternity Pay (Medical Evidence) Regulations 1987(4), a form which complies with those Regulations as in force on 31st March 2004 shall continue to be valid.

Transitory interpretation of references in enactments to primary medical services

108. For so long as default contracts entered into pursuant to section 176(3) of the 2003 Act (general medical services: transitional) exist, a reference in any enactment to primary medical services under the 1977 Act shall be deemed to include a reference to services provided under such contracts.

Transitory interpretation of references to general medical services contracts

109.—(1) For as long as default contracts entered into pursuant to section 176(3) of the 2003 Act (general medical services: transitional) exist, any reference to a general medical services contract or to a contract under section 28Q of the 1977 Act in the enactments listed in paragraph (2) shall be deemed to include a reference to a default contract.

(2) The enactments referred to in paragraph (1) are—

- (a) the 1977 Act, sections 3(4)(b)(5), 26(2)(b) and (4)(aa)(6), 28D(1)(bc)(i)(7), 45A(3), (4) and (11)(8), 54(1)(c)(9), 72(5)(d)(10);

(3) S.I. 1976/615; Part 2 of Schedule 2 was amended by S.I. 1991/2284, 2001/2931 and 2002/2469.

(4) S.I. 1987/235. Relevant amending instruments are S.I. 2001/2931 and 2002/2469.

(5) Section 3(4) was inserted into the Act by paragraph 8 of Schedule 11 to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) ("the 2003 Act").

(6) Section 26(2)(b) and (4)(aa) were substituted by the 2003 Act, Schedule 11, paragraph 13(2)(b) and (3)(b).

(7) Section 28D(bc) was inserted by the 2003 Act, section 177(2).

(8) Section 45A was inserted into the Act by paragraph 23 of Schedule 11 to the 2003 Act.

(9) Paragraph (c) was inserted into section 54(1) of the Act by paragraph 26(2)(c) of Schedule 11 to the 2003 Act.

(10) Paragraph (d) was inserted into section 72(5) of the Act by paragraph 27(2) of Schedule 11 to the 2003 Act.

- (b) the Community Health Councils (Access to Information) Act 1988(**11**), section 1(6), in the paragraph 6B inserted into Schedule 12A to the Local Government Act 1972(**12**);
- (c) the Access to Health Records Act 1990(**13**), section 1(2)(a);
- (d) the Trade Union and Labour Relations (Consolidation) Act 1992(**14**), section 279(2);
- (e) the Health Service Commissioners Act 1993, section 2A(1)(a) and (2)(a)(**15**);
- (f) the Employment Rights Act 1996, section 43K(1)(ba)(**16**);
- (g) the Health and Social Care Act 2001, Schedule 1, paragraph 11(a)(**17**).

(11) 1988 c. 24. Section 1(6) was amended by the 2003 Act, Schedule 11, paragraph 51.

(12) 1972 c. 70.

(13) 1990 c. 23. Section 1(2)(a) was substituted by the 2003 Act, Schedule 11, paragraph 57(2).

(14) 1992 c. 52. Section 279(2) was inserted by the 2003 Act, Schedule 11, paragraph 59(4).

(15) 1993 c. 46. Section 2A was inserted by the Health Service Commissioners (Amendment) Act 1996 (c. 5), section 1 and subsections (1)(a) and (2)(a) were substituted by the 2003 Act, Schedule 11, paragraph 62.

(16) 1996 c. 18. Section 43K was inserted by the Public Interest Disclosure Act 1998 (c. 23), section 1 and subsection (1)(ba) was inserted by the 2003 Act, Schedule 11, paragraph 65(2).

(17) 2001 c. 15. Paragraph 11 of Schedule 1 was substituted by the 2003 Act, Schedule 11, paragraph 72(2).