

SCHEDULE 6

OTHER CONTRACTUAL TERMS

PART 3

PRESCRIBING AND DISPENSING

Contractors who previously provided dispensing services under pilot schemes or section 28C arrangements

- 49.**—(1) This paragraph applies where, immediately before the commencement of the contract—
- (a) one of the persons specified in sub-paragraph (2), was a pilot doctor in the area of the Primary Care Trust; or
 - (b) the contractor was providing primary medical services in the area of the Primary Care Trust in accordance with section 28C arrangements,
- and the requirements in sub-paragraph (3) are met.
- (2) The persons referred to in sub-paragraph (1) are—
- (a) the contractor;
 - (b) in the case of a contract with two or more individuals practising in partnership, one or more of those individuals; or
 - (c) in the case of a contract with a company, one or more of the legal and beneficial shareholders in that company.
- (3) The requirements referred to in sub-paragraph (1) are that—
- (a) the pilot doctor, or, as the case may be, the contractor was, immediately before the commencement of the contract, providing dispensing services to some or all of his or its patients under the pilot scheme or in accordance with the section 28C arrangements; and
 - (b) the contractor has notified the Primary Care Trust before entering into the contract that it intends to provide dispensing services under it.
- (4) In a case to which this paragraph applies, the contractor shall be regarded—
- (a) as being authorised or required under paragraph 47 to provide dispensing services under the contract to any patient—
 - (i) to whom, immediately before commencement of the contract, it or, as the case may be, the pilot doctor, provided dispensing services under the pilot scheme or section 28C arrangement, and
 - (ii) who wishes the contractor to continue to provide him with such services; and
 - (b) subject to sub-paragraph (5), as having been granted consent to dispense in relation to the contract under paragraph 48 in relation to the area for which it or, as the case may be, the pilot doctor, had such consent under the pilot scheme or section 28C arrangement.
- (5) Paragraph 48(3) shall apply in relation to a contract to which this paragraph applies as if the references to the final grant of the consent to dispense were references to the date of commencement of the contract.
- (6) In this paragraph “pilot doctor” means a medical practitioner who performs personal medical services in connection with a pilot scheme.