

Changes to legislation: National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) Regulations 2004, SCHEDULE 2 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 2

Regulation 3

DRUGS, MEDICINES AND OTHER SUBSTANCES THAT MAY BE ORDERED ONLY IN CERTAIN CIRCUMSTANCES

Column 1 Drugs	Column 2 Patient	Column 3 Purpose
Clobazam F1 ...	Any patient F1 ...	Treatment of epilepsy F1 ...
Locabiotol Aerosol	Any patient	Treatment of infections and inflammation of the oropharynx
Niferex Elixir 30ml Paediatric Dropper Bottle	Infants born prematurely	Prophylaxis and treatment of iron deficiency
Nizoral Cream	Any patient	Treatment of seborrhoeic dermatitis and pityriasis versicolor
[^{F2} Osetamivir (Tamiflu)]	[^{F2} (1) [^{F3} A patient who is aged 1 year or over and who is at clinical risk or a patient who is pregnant or aged 65 years or over, [^{F4} or who is aged under 65 years and is at risk of developing medical complications from influenza,] where— (a) the Department of Health [^{F5} and Social Care] has notified general medical practitioners that the influenza virus is circulating in the community;] (b) the patient has an influenza-like illness; and (c) the patient can start therapy within 48 hours of the onset of symptoms.] [^{F6} (1A) Any patient suffering from influenza during an outbreak of pandemic influenza (influenza caused by a new virus subtype that has an increased and	[^{F2} Treatment of influenza]

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sustained transmission during a global outbreak of influenza), where the drug is ordered under arrangements for the distribution of the drug free of charge which are approved by the Secretary of State or ^[F7]are part of an antiviral distribution service provided by ^[F8]NHS England], ^[F9]the United Kingdom Health Security Agency] or a Local Authority.]]

^[F2](2) ^[F10]A patient who is ^[F2]Prophylaxis of influenza] aged 1 year or over and who is at clinical risk or a patient who is pregnant or aged 65 years or over, where—

- (a) the Department of Health ^[F5]and Social Care] has notified general medical practitioners that the influenza virus is circulating in the community;]
- (b) the patient has been exposed to an influenza-like illness through being in close contact with someone with whom he lives who is or has been suffering from an influenza-like illness;
- (c) the patient is not effectively protected by vaccination against influenza because—
 - (i) he has not been vaccinated because vaccination is contraindicated;
 - (ii) he has not been vaccinated since the previous

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influenza
season;

(iii) he has been
vaccinated but
it has yet to
take effect; or

(iv) he has been
vaccinated but
the vaccine
is not well
matched to
the strain of
influenza
circulating in
the locality
in which the
patient resides
or is or has
been present;

(d) the patient lives in
a residential care
establishment and
another resident or
member of staff of
the establishment
has an influenza-like
illness; and

(e) the patient can start
prophylaxis within
48 hours of exposure
to an influenza-like
illness.]

[^{F11}(2A) Any patient at risk from influenza during an outbreak of pandemic influenza (influenza caused by a new virus subtype that has an increased and sustained transmission during a global outbreak of influenza), where the drug is ordered under arrangements for the distribution of the drug free of charge which are approved by the Secretary of State or [^{F7}are part of an antiviral distribution service provided by [^{F8}NHS England], [^{F9}the United Kingdom Health

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Security Agency] or a Local Authority.]]

[^{F2}Zanamivir (Relenza)]

[^{F12}(1)] [^{F13}A patient who [^{F2}Treatment of influenza] is aged 5 years or over and who is at clinical risk or a patient who is pregnant or aged 65 years or over, [^{F14}or who is aged under 65 years and is at risk of developing medical complications from influenza,] where—

(a) the Department of Health [^{F5}and Social Care] has notified general medical practitioners that the influenza virus is circulating in the community;]

(b) the patient has an influenza-like illness; and

[^{F15}(c) in the case of a patient—

(i) who has attained the age of 5 years but not the age of 13 years, that patient can start therapy within 36 hours of the onset of symptoms; and

(ii) who is aged 13 years or over, that patient can start therapy within 48 hours of the onset of symptoms.]

[^{F16}(2) Any patient at [^{F18}Prophylaxis or treatment of risk of or suffering from influenza.] influenza during an outbreak of pandemic influenza (influenza caused by a new virus subtype that has an increased and sustained transmission during a global outbreak of influenza), where the drug

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is ordered under arrangements for the distribution of the drug free of charge which are approved by the Secretary of State or [^{F7}are part of an antiviral distribution service provided by [^{F8}NHS England], [^{F17}the United Kingdom Health Security Agency] or a Local Authority.]]

The following drugs for the treatment of erectile dysfunction—

Alprostadil
[^{F19}Avanafil]^{F20} ...
F21 ... F20 ...
F21 ... F20 ...
F21 ... F20 ...
Tadalafil^{F20} ...
F21 ... F20 ...
Vardenafil
[^{F22}Viagra]^{F20} ...

[^{F23}(1) The following Treatment of erectile patients with erectile dysfunction]

- (a) a man with erectile dysfunction who on 14th September 1998 was receiving a course of treatment under the Act, the National Health Service (Scotland) Act 1978^{M1} or the Health and Personal Social Services (Northern Ireland) Order 1972^{M2} for this condition with any of the following drugs—

Alprostadil (Caverject), (MUSE), (Viridal)
Apomorphine Hydrochloride (Uprima)
Moxisylyte Hydrochloride (Erecnos)
Sildenafil (Viagra)
Tadalafil (Cialis)
Thymoxamine Hydrochloride (Erecnos); or

- [^{F24}(b) a man who is a national of an EEA State who—

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- (i) immediately before IP completion day was entitled to treatment by virtue of Article 7(2) of Council Regulation 1612/68 as extended by the EEA Agreement or was entitled to treatment by virtue of any other enforceable EU right;
- (ii) has erectile dysfunction and was on 14th September 1998 receiving a course of treatment under a national health insurance system of an EEA State for that condition with any of the drugs listed in sub-paragraph (a); and
- (iii) immediately before IP completion day was receiving a course of treatment as part of the health service for the condition mentioned in paragraph (ii) of this sub-paragraph with any of

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the drugs
listed in sub-
paragraph (a);
or]

- [^{F25}(c) a man who is not a national of an EEA State but who is the member of the family of such a national and who—
- (i) immediately before IP completion day had an enforceable EU right to be treated no less favourably than the national in the provision of medical treatment;
 - (ii) has erectile dysfunction and was on 14th September 1998 receiving a course of treatment for that condition with any of the drugs listed in sub-paragraph (a); and
 - (iii) immediately before IP completion day was receiving a course of treatment as part of the health service for the condition mentioned in paragraph (ii) of this sub-paragraph with any of the drugs

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listed in sub-paragraph (a); or]

- (d) a man who is suffering from any of the following—
 - diabetes
 - multiple sclerosis
 - parkinson’s disease
 - poliomyelitis
 - prostate cancer
 - severe pelvic injury
 - single gene neurological disease
 - spina bifida
 - spinal cord injury; or
- (e) a man who is receiving treatment for renal failure by dialysis; or
- (f) a man who has had the following surgery—
 - prostatectomy
 - radical pelvic surgery
 - renal failure treated by transplant^{F26};

(2) Any patient]

[^{F27}Treatment of a condition, other than erectile dysfunction, in respect of which the drug ordered is considered an appropriate treatment]

Textual Amendments

- F1** Words in Sch. 2 omitted (1.4.2013) by virtue of [The National Health Service \(Primary Medical Services\) \(Miscellaneous Amendments and Transitional Provisions\) Regulations 2013](#) (S.I. 2013/363), regs. 1(1), **54(2)(a)**
- F2** Words in Sch. 2 inserted (3.1.2005) by [The National Health Service \(General Medical Services Contracts\) \(Prescription of Drugs etc.\) \(Amendment\) Regulations 2004](#) (S.I. 2004/3215), regs. 1(1), **2(a)**
- F3** Words in Sch. 2 substituted (1.11.2010) by [The National Health Service \(General Medical Services Contracts\) \(Prescription of Drugs etc.\) \(Amendment\) Regulations 2010](#) (S.I. 2010/2389), regs. 1(1), **2(2)(a)**

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- F4 Words in Sch. 2 inserted (20.4.2011) by The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Amendment) Regulations 2011 (S.I. 2011/680), regs. 1(1), **2(2)**
- F5 Words in Sch. 2 inserted (11.4.2018) by The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions (Commonhold Land) Order 2018 (S.I. 2018/378), art. 1(2), **Sch. para. 20(f)** (with art. 14)
- F6 Words in Sch. 2 inserted (21.8.2009) by The National Health Service (Prescribing and Charging Amendments Relating to Pandemic Influenza) Regulations 2009 (S.I. 2009/2230), **regs. 1(1)**, 5(a)(i)
- F7 Words in Sch. 2 substituted (1.4.2013) by The National Health Service (Primary Medical Services) (Miscellaneous Amendments and Transitional Provisions) Regulations 2013 (S.I. 2013/363), regs. 1(1), **54(2)(b)(c)**
- F8 Words in Regulations substituted (6.11.2023) by The Health and Care Act 2022 (Further Consequential Amendments) (No. 2) Regulations 2023 (S.I. 2023/1071), reg. 1(1), **Sch. para. 1**
- F9 Words in Sch. 2 substituted (1.10.2021) by The Public Health England (Dissolution) (Consequential Amendments) Regulations 2021 (S.I. 2021/974), regs. 1(1), **3(2)(a)**
- F10 Words in Sch. 2 substituted (1.11.2010) by The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Amendment) Regulations 2010 (S.I. 2010/2389), regs. 1(1), **2(2)(b)**
- F11 Words in Sch. 2 inserted (21.8.2009) by The National Health Service (Prescribing and Charging Amendments Relating to Pandemic Influenza) Regulations 2009 (S.I. 2009/2230), **regs. 1(1)**, 5(a)(ii)
- F12 Sch. 2: entry renumbered (21.8.2009) by The National Health Service (Prescribing and Charging Amendments Relating to Pandemic Influenza) Regulations 2009 (S.I. 2009/2230), regs. 1(1), **5(b)(i)**
- F13 Words in Sch. 2 substituted (1.11.2010) by The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Amendment) Regulations 2010 (S.I. 2010/2389), regs. 1(1), **2(3)(a)**
- F14 Words in Sch. 2 inserted (20.4.2011) by The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Amendment) Regulations 2011 (S.I. 2011/680), regs. 1(1), **2(3)**
- F15 Words in Sch. 2 substituted (1.11.2010) by The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Amendment) Regulations 2010 (S.I. 2010/2389), regs. 1(1), **2(3)(b)**
- F16 Words in Sch. 2 added (21.8.2009) by The National Health Service (Prescribing and Charging Amendments Relating to Pandemic Influenza) Regulations 2009 (S.I. 2009/2230), **regs. 1(1)**, 5(b)(i)
- F17 Words in Sch. 2 substituted (1.10.2021) by The Public Health England (Dissolution) (Consequential Amendments) Regulations 2021 (S.I. 2021/974), regs. 1(1), **3(2)(b)**
- F18 Words in Sch. 2 inserted (21.8.2009) by The National Health Service (Prescribing and Charging Amendments Relating to Pandemic Influenza) Regulations 2009 (S.I. 2009/2230), regs. 1(1), **5(b)(ii)**
- F19 Word in Sch. 2 inserted (1.8.2014) by The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Amendment) Regulations 2014 (S.I. 2014/1625), regs. 1(2), **2(b)(i)**
- F20 Words in Sch. 2 omitted (1.10.2013) by virtue of The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Amendment) Regulations 2013 (S.I. 2013/2194), regs. 1(2), **2(a)**
- F21 Words in Sch. 2 omitted (1.8.2014) by virtue of The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Amendment) Regulations 2014 (S.I. 2014/1625), regs. 1(2), **2(a)**
- F22 Word in Sch. 2 inserted (1.8.2014) by The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Amendment) Regulations 2014 (S.I. 2014/1625), regs. 1(2), **2(b)(ii)**
- F23 Words in Sch. 2 inserted (1.10.2013) by The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Amendment) Regulations 2013 (S.I. 2013/2194), regs. 1(2), **2(b)(i)**
- F24 Words in Sch. 2 substituted (31.12.2020) by The National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019 (S.I. 2019/777), regs. 1(1), **9(2)(a)** (as substituted by S.I. 2020/1348, regs. 1, **8**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F25 Words in Sch. 2 substituted (31.12.2020) by The National Health Service (Cross-Border Healthcare and Miscellaneous Amendments etc.) (EU Exit) Regulations 2019 (S.I. 2019/777), regs. 1(1), **9(2)(b)** (as substituted by S.I. 2020/1348, regs. 1, **8**); 2020 c. 1, **Sch. 5 para. 1(1)**

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- F26** Words in Sch. 2 inserted (1.10.2013) by [The National Health Service \(General Medical Services Contracts\) \(Prescription of Drugs etc.\) \(Amendment\) Regulations 2013 \(S.I. 2013/2194\)](#), regs. 1(2), **2(b)(ii)**
- F27** Words in Sch. 2 inserted (1.10.2013) by [The National Health Service \(General Medical Services Contracts\) \(Prescription of Drugs etc.\) \(Amendment\) Regulations 2013 \(S.I. 2013/2194\)](#), regs. 1(2), **2(c)**

Marginal Citations

- M1** 1978 c. 29.
- M2** S.I. 1972/1265 (NI 14).

In this Schedule—

F28 ...

Textual Amendments

- F28** Words in Sch. 2 omitted (1.11.2010) by virtue of [The National Health Service \(General Medical Services Contracts\) \(Prescription of Drugs etc.\) \(Amendment\) Regulations 2010 \(S.I. 2010/2389\)](#), regs. 1(1), **2(4)(a)**

[^{F29}“at clinical risk” means in relation to a patient, a patient who—

- (a) has chronic respiratory disease;
- (b) has asthma that requires continuous or repeated use of inhaled or systemic steroids or with previous exacerbations requiring hospital admission;
- (c) has chronic heart disease;
- (d) has chronic renal failure;
- (e) has chronic liver disease;
- (f) has chronic neurological disease;
- (g) has diabetes; or
- (h) is immunosuppressed;]

Textual Amendments

- F29** Words in Sch. 2 inserted (1.11.2010) by [The National Health Service \(General Medical Services Contracts\) \(Prescription of Drugs etc.\) \(Amendment\) Regulations 2010 \(S.I. 2010/2389\)](#), regs. 1(1), **2(4)(b)**

F28 ...

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Textual Amendments

- F28** Words in Sch. 2 omitted (1.11.2010) by virtue of [The National Health Service \(General Medical Services Contracts\) \(Prescription of Drugs etc.\) \(Amendment\) Regulations 2010 \(S.I. 2010/2389\)](#), regs. 1(1), **2(4)(a)**

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992^{M3} as adjusted by the Protocol signed at Brussels on 17th March 1993^{M4} and as amended so far as is relevant to these Regulations, by Decision of the EEA Joint Committee No 7/94 of 21st March 1994^{M5}; and

Marginal Citations

- M3** Cm. 2073 and O.J. No. L1, 3.1.1994, p.3.
M4 Cm. 2183 and O.J. No. L1, 3.1.1994, p.572.
M5 O.J. No. L160, 28.6.1996, p.1.

Marginal Citations

- M3** Cm. 2073 and O.J. No. L1, 3.1.1994, p.3.
M4 Cm. 2183 and O.J. No. L1, 3.1.1994, p.572.
M5 O.J. No. L160, 28.6.1996, p.1.

“EEA State” means a State which is a contracting party to the EEA Agreement or Switzerland.

[^{F30c}“general medical practitioner” has the meaning given in regulation 3 of the National Health Service (General Medical Services Contracts) Regulations 2015;]

Textual Amendments

- F30** Words in Sch. 2 substituted (7.12.2015) by [The National Health Service \(General Medical Services Contracts\) Regulations 2015 \(S.I. 2015/1862\)](#), reg. 1(2), **Sch. 4 para. 1(a)** (with reg. 2)

[^{F31c}“patient” has the meaning given in regulation 3 of the National Health Service (General Medical Services Contracts) Regulations 2015;]

Textual Amendments

- F31** Words in Sch. 2 substituted (7.12.2015) by [The National Health Service \(General Medical Services Contracts\) Regulations 2015 \(S.I. 2015/1862\)](#), reg. 1(2), **Sch. 4 para. 1(b)** (with reg. 2)

[^{F32c}“residential care establishment” means a place where persons reside on a long term basis in order to receive continuing care.]

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Textual Amendments

F32 Words in Sch. 2 inserted (3.1.2005) by [The National Health Service \(General Medical Services Contracts\) \(Prescription of Drugs etc.\) \(Amendment\) Regulations 2004 \(S.I. 2004/3215\)](#), regs. 1(1), **2(d)**

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Changes and effects yet to be applied to :

- Sch. 2 words inserted by [S.I. 2019/777 reg. 9\(2\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 9 substituted immediately before IP completion day by S.I. 2020/1348, regs. 1, 8)
- Sch. 2 words inserted by [S.I. 2024/728 reg. 2\(2\)\(a\)](#)
- Sch. 2 words inserted by [S.I. 2024/728 reg. 2\(2\)\(b\)](#)
- Sch. 2 words inserted by [S.I. 2024/728 reg. 2\(2\)\(c\)](#)
- Sch. 2 words inserted by [S.I. 2024/728 reg. 2\(3\)](#)
- Sch. 2 words substituted by [S.I. 2019/777 reg. 9\(2\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 9 substituted immediately before IP completion day by S.I. 2020/1348, regs. 1, 8)