
STATUTORY INSTRUMENTS

2004 No. 865

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

PART 3

**TRANSITIONAL PROVISIONS FOR GENERAL MEDICAL
SERVICES CONTRACTS WHICH FOLLOW DEFAULT CONTRACTS**

Requirement to provide dispensing services

49.—(1) Where, on the date on which the default contract ceases to have effect—

- (a) a default contractor has received a request from a patient to provide dispensing services under the term of its default contract equivalent to paragraph 47(5) of Schedule 6 to the 2004 Regulations;
- (b) 30 or more days have elapsed since the date on which the patient made his request; and
- (c) the default contractor has not applied to the Primary Care Trust for the right to provide dispensing services to that patient,

the Primary Care Trust may give notice to the general medical services contractor under the term of its general medical services contract which gives effect to paragraph 47(5) of Schedule 6 to the 2004 Regulations as if the request had been made by the patient to the general medical services contractor on the date on which it was made to the default contractor.

(2) Where the Primary Care Trust has given notice to the default contractor under its default contract that it requires it to provide dispensing services to a patient from a date before the date on which the default contract ceases to have effect, that notice shall be regarded as a notice served on the general medical services contractor under the term of its general medical services contract which gives effect to paragraph 47(5) of Schedule 6 to the 2004 Regulations requiring it to provide dispensing services to the patient from the date on which the general medical services contract takes effect.

(3) In this article “dispensing services” has the same meaning as in regulation 2(1) of the 2004 Regulations.