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WELSH STATUTORY INSTRUMENTS

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**2004 No. 1021**

**The National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2004**

**Amendment of regulation 2 (interpretation) of the principal Regulations**

2.—(1) In regulation 2(1)—

(a) after the definition of “the 2001 Act” insert—

““the 2003 Act” means the Health and Social Care (Community Health and Standards) Act 2003(1);”,

(b) after the definition of “the 1997 Act” insert—

““the 2004 Regulations” means the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(2);

“the Prescription of Drugs Regulations” means the National Health Service (General Medical Services Contracts)(Prescription of Drugs etc.) (Wales) Regulations 2004(3);”,

(c) for the definition of “appropriate non-proprietary name” substitute—

““appropriate non-proprietary name” means a non-proprietary name which is not mentioned in Schedule 1 to the Prescription of Drugs Regulations or, except where the conditions in paragraph 42(2) of Schedule 6 to the 2004 Regulations are satisfied, in Schedule 2 to the Prescription of Drugs Regulations;”,

(d) for the definition of “Community Health Council” substitute—

“a Community Health Council retained or established under section 20A of the Health (Wales) Act 2003”(e);

(e) for the definition of “doctor’s list” substitute —

““doctor’s list” means a list of a doctor’s patients kept by a Local Health Board in respect of a doctor who holds a GMS contract, in accordance with paragraph 14 of Schedule 6 to the 2004 Regulations”,

(f) delete the definition of “doctors' terms of service”,

(g) after the definition of “finally granted” insert—

““GMS contract” means a general medical services contract under section 28Q of the Act and “GMS contractor” shall be interpreted accordingly;”,

(h) for the definition of “Local Medical Committee” substitute—

““Local Medical Committee” means a committee recognised under section 45A of the Act;”,

(i) after the definition of “locality” insert—

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(1) 2003 c. 43.

(2) S.I. 2004/291

(3) S.I. 2004/1022 (W.119).

““medical performers list” means a list of doctors prepared in accordance with regulations made under section 28X of the Act;”,

(j) delete the definitions of “medical list” and “Medical Regulations”,

(k) for the definition of “patient” substitute—

““patient” in relation to GMS contracts has the same meaning as in regulation 2 (interpretation) of the 2004 Regulations,”,

(l) after the definition of “preliminary consent” insert—

““prescriber” means—

- (a) a doctor,
- (b) an independent nurse prescriber, and
- (c) a supplementary prescriber

who is a party to a GMS contract or is engaged or employed by a GMS contractor,”,

(m) in the definition of “prescription form”, for the words “and issued by a doctor, dentist, supplementary prescriber or independent nurse prescriber” substitute the words “and issued by a prescriber or a dentist”.

(2) For regulation 2(1B) substitute—

“In these Regulations—

(a) the term “pharmaceutical services”, in relation to a doctor whose name is not included in a medical performers list, but who is a party to a GMS contract, means those services referred to in regulation 20; and

(b) the term “dispensing services”, in relation to such a doctor means, any corresponding service performed, not as pharmaceutical services, but under the terms of a GMS contract which gives effect to paragraphs 47 to 51 of Schedule 6 to the 2004 Regulations which gives effect to paragraphs 26 to 40 of Schedule 5 to the PMS Regulations.”.

(3) After regulation 2(3)(b) insert—

“(c) For as long as there are in existence contracts entered into under Article 12 of the General Medical Services Transitional and Consequential Provisions (Wales) Order 2004(4) (“default contracts”) in respect of such contracts any reference to a GMS contract shall be read as including a reference to a contract entered into under that Article and any reference to a term of a GMS contract shall be read as including a reference to the equivalent term in the default contract.”.