

**1999 No. 1627**

**NATIONAL HEALTH SERVICE, ENGLAND AND WALES**

**The National Health Service (General Medical Services) Amendment (No. 2) Regulations 1999**

*Made - - - - 10th June 1999*

*Laid before Parliament 10th June 1999*

*Coming into force 1st July 1999*

The Secretary of State for Health, in exercise of powers conferred on him by sections 29 and 126(4) of the National Health Service Act 1977 (“the Act”)(**a**) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

**Citation, commencement and interpretation**

**1.** These Regulations may be cited as the National Health Service (General Medical Services) Amendment (No. 2) Regulations 1999 and shall come into force on 1st July 1999.

**Amendment of the National Health Service (General Medical Services) Regulations 1992**

**2.—(1)** The National Health Service (General Medical Services) Regulations 1992(**b**) shall be amended as follows.

(2) In Schedule 11 (drugs to be prescribed under pharmaceutical services only in certain circumstances)—

(a) after the entry relating to Nizoral Cream there shall be inserted in columns 1, 2 and 3 respectively the following—

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**(a)** 1977 c. 49; *see* section 128(1), as amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 26(2)(g) and (i), for the definitions of “prescribed” and “regulations”. Section 29 was extended by the Health and Medicines Act 1988 (c. 49), section 17; and amended by the Health Services Act 1980 (c. 53), sections 1 and 7 and Schedule 1, paragraph 42(b); by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 6, paragraph 2; by the Medical Act 1983 (c. 54), section 56(1) and Schedule 5, paragraph 16(a); by S.I. 1985/39, article 7(3); by the 1995 Act, Schedule 1, paragraph 18; and by the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 8. Section 126(4) was amended by the 1990 Act, section 65(2).

**(b)** S.I. 1992/635; relevant amending instruments are S.I. 1992/2412, 1993/2421, 1994/2620 and 1997/981.

- “The following drugs for the treatment of erectile dysfunction–
- Alprostadil (Caverject),  
(MUSE), (Viridal)  
Moxisylyte Hydrochloride  
(Erecnos)  
Thymoxamine Hydrochloride  
(Erecnos)  
Sildenafil (Viagra)
- (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**(a)** or the Health and Personal Social Services (Northern Ireland) Order 1972**(b)** for this condition with any of the following drugs–
- Alprostadil (Caverject),  
(MUSE), (Viridal)  
Moxisylyte Hydrochloride  
(Erecnos)  
Thymoxamine Hydrochloride  
(Erecnos)  
Sildenafil (Viagra); or
- (b) a man who is a national of an EEA State who is entitled to treatment by virtue of Article 7(2) of Council Regulation 1612/68**(c)** as extended by the EEA Agreement or by virtue of any other enforceable Community right who 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 this condition with any of the drugs listed in sub-paragraph (a); or
- (c) a man who is not a national of an EEA State but who is the member of the family of such a national who has an enforceable Community right to be treated no less favourably than the national in the provision of medical treatment and has erectile dysfunction and was being treated for that condition on 14th September 1998 with any of the drugs listed in sub-paragraph (a); or
- Treatment of erectile dysfunction”.

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**(a)** 1978 c. 29.

**(b)** S.I. 1972/1265 (N.I. 14).

**(c)** OJ No. L257, 19.10.68, p. 22 (OJ/SE 1968 (II) p. 475).

- (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.

(b) at the end there shall be added the following—

“In this Schedule—

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

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

10th June 1999

*Frank Dobson*  
One of Her Majesty's Principal Secretaries of State,  
Department of Health

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations further amend the National Health Service (General Medical Services) Regulations 1992 (“the principal Regulations”) which regulate the terms on which doctors provide general medical services under the National Health Service Act 1977 (“the 1977 Act”).

Regulation 2 includes certain drugs in Schedule 11 to the principal Regulations, which lists drugs which may only be prescribed in certain circumstances.

These Regulations impose no cost on business.

**£1.50**

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WO 4964 6/99 ON (MFK)