
STATUTORY INSTRUMENTS

2004 No. 3215

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (General
Medical Services Contracts) (Prescription of
Drugs etc.) (Amendment) Regulations 2004**

Made - - - - *7th December 2004*
Laid before Parliament *13th December 2004*
Coming into force - - *3rd January 2005*

The Secretary of State for Health in exercise of the powers conferred upon him by sections 28U and 126(4) of the National Health Service Act 1977(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Amendment) Regulations 2004 and shall come into force on 3rd January 2005.

(2) These Regulations apply to England only.

(3) In these Regulations, “the Prescription of Drugs etc. Regulations” means the National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) Regulations 2004(2).

Amendment of Schedule 2 to the Prescription of Drugs etc. Regulations

2. In Schedule 2 to the Prescription of Drugs etc. Regulations (drugs, medicines and other substances that may be ordered only in certain circumstances)—

(a) In the appropriate alphabetical place in the table having regard to the name of the drug, insert respectively in columns 1, 2 and 3—

“Oseltamivir (Tamiflu)	(1) At-risk adult and Treatment of influenza child patients where—
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(1) 1977 c. 49; section 28U was inserted by section 175(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43).
(2) S.I.2004/629.

- (a) It has been determined in accordance with a community based virological surveillance scheme that influenza A or influenza B is circulating in the locality in which the patient resides or is present or was present at the time that the virus was circulating;
- (b) the patient has an influenza-like illness; and
- (c) the patient can start therapy within 48 hours of the onset of symptoms.

(2) At-risk patients aged 13 years and older where— and

- (a) It has been determined in accordance with a community based virological surveillance scheme that influenza A or influenza B is circulating in the locality in which the patient resides;
- (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
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

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- 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.

“Zanamivir (Relenza)	At-risk adult patients where—	Treatment of influenza”.
	<ul style="list-style-type: none"> (a) It has been determined in accordance with a community based virological surveillance scheme that influenza A or influenza B is circulating in the locality in which the patient resides or is present or was present at the time that the virus was circulating; (b) the patient has an influenza-like illness; and (c) the patient can start therapy within 48 hours of the onset of symptoms. 	

- (d) After the words “in this Schedule—” insert in the appropriate alphabetical place—
- ““ at-risk” means an adult or child patient or a patient over the age of 13 who—
- (a) has chronic respiratory disease (including asthma and chronic obstructive pulmonary disease);
 - (b) has significant cardiovascular disease, excluding an adult or child patient who has hypertension only;
 - (c) has chronic renal disease;
 - (d) are immunocompromised;
 - (e) has diabetes mellitus; or
 - (f) is aged 65 years or over;”;

““child” means any person under the age of 16;”;

““patient” has the same meaning as in the National Health Services (General Medical Services Contracts) Regulations 2004(3);”;

““residential care establishment” means a place where persons reside on a long term basis in order to receive continuing care.”.

Signed by authority of the Secretary of State for Health

7th December 2004

Warner
Parliamentary Under Secretary of State,
Department of Health

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) Regulations 2004 (“the Prescription of Drugs etc. Regulations”).

Schedule 2 to the Prescription of Drugs etc. Regulations lists drugs, medicines and other substances which may be ordered only in certain circumstances under a general medical services contract within the meaning of section 28Q of the National Health Service Act 1977⁽⁴⁾. These Regulations add Oseltamivir (Tamiflu) and Zanamivir (Relenza) to that list, and set out the circumstances in which they may be ordered.

⁽⁴⁾ Section 28Q was inserted into the Act by section 175(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43).