
WELSH STATUTORY INSTRUMENTS

2004 No. 1016

The General Medical Services Transitional and
Consequential Provisions (Wales) (No. 2) Order 2004

PART 2

TRANSITIONAL PROVISIONS RELATING TO GENERAL MEDICAL SERVICES

Determination of question whether a substance is a drug

34.—(1) Where, on 31st March 2004, a Local Health Board had, under regulation 36(7) of the 1992 Regulations⁽¹⁾, informed a medical practitioner of its decision that a substance ordered by him or her was not a drug but—

- (a) the medical practitioner had not given notice of appeal under paragraph (8) of that regulation; and
- (b) the time for appealing in that paragraph had not yet expired,

the time for appealing shall continue as if regulation 36 of the 1992 Regulations were still in force.

(2) Where—

- (a) on 31st March 2004, a medical practitioner had given notice of appeal against a decision of a Local Health Board under regulation 36 of the 1992 Regulations but that appeal has not been determined or withdrawn; or
- (b) a medical practitioner has given notice of such an appeal after 31st March 2004, pursuant to paragraph (1),

that appeal shall continue to be dealt with as if regulation 36 of the 1992 Regulations were still in force.

⁽¹⁾ Regulation 36(7) was amended by [S.I. 2002/1896 \(W.197\)](#).