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STATUTORY INSTRUMENTS

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**2013 No. 363**

**The National Health Service (Primary Medical Services) (Miscellaneous Amendments and Transitional Provisions) Regulations 2013**

**PART 4**

**MISCELLANEOUS AMENDMENTS**

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

**54.**—(1) The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) Regulations 2004(1) are amended as follows.

(2) In Schedule 2 (drugs, medicines and other substances that may be ordered only in certain circumstances)—

- (a) in column 1, omit the entry for “Cyanocobalamin Tablets” and the adjacent part which relates to the description of the patient (column 2) and the specified purpose (column 3);
- (b) for the entry for “Oseltamivir (Tamiflu)” which is referred to in column 1, in the part which relates to the description of the patient (as mentioned in column 2), in paragraph (1A) and (2A), for “are part of a Primary Care Trust’s antivirals distribution service.”, substitute “are part of an antiviral distribution service provided by the Board, Public Health England or a Local Authority.”(2); and
- (c) for the entry for “Zanamivir (Relenza)” which is referred to in column 1, in the part which relates to “patient” (as mentioned in column 2), in paragraph (2) for “are part of a Primary Care Trust’s antivirals distribution service.”, substitute “are part of an antiviral distribution service provided by the Board, Public Health England or a Local Authority.”.

**Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) Regulations 2004**

**55.**—(1) The Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) Regulations 2004(3) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) after the definition of “the 1977 Act” insert—

““the 2006 Act” means the National Health Service Act 2006;

“the 2012 Act” means the Health and Social Care Act 2012;”;

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(1) [S.I. 2004/629](#). Relevant amending instruments are [S.I. 2004/3215](#), [2009/2230](#), [2010/2389](#) and [2011/680](#) and [1043](#).

(2) Public Health England is an Executive Agency of the Department of Health.

(3) [S.I. 2004/906](#). There are no amendments.

(ii) for the definition of “APMS contractor”, substitute—

“means a person with whom the Board has made arrangements under section 83(2) (primary medical services) of the 2006 Act for the provision of primary medical services or as a consequence of a scheme made under section 300 (transfer schemes) of the 2012 Act is a party to such arrangements;”;

(iii) for the definition of “GMS contractor”, substitute—

“means a person with whom the Board has entered into a general medical services contract under section 84 (general medical services contracts: introductory) of the 2006 Act or a default contract or as a consequence of a scheme made under section 300 of the 2012 Act is a party to such contracts;”;  
and

(iv) for the definition of “PMS contractor”, substitute—

“means a person with whom the Board has entered into a section 92 arrangement or as a consequence of a scheme made under section 300 of the 2012 Act is a party to a section 92 arrangement;”.

(b) in paragraph (2), for sub-paragraph (a), substitute—

“(a) recorded by the Board as being on the contractor’s or performer’s list of patients or on a list of patients maintained by the Board in respect of the contractor or performer; and”.

(3) Immediately after regulation 2, insert—

**“Relevant area**

**2A.** For the purposes of section 259(1) of the 2006 Act (sale of medical practices), the relevant area means the area which forms the area team area of the Board in which the performers or providers who are specified in regulation 3(1) (prohibition on the sale of goodwill in certain primary medical services practices) have provided or performed services at any time in accordance with arrangements or contract at that time.”.