

2009 No. 1838 (W.166)

**NATIONAL HEALTH
SERVICE, WALES**

The National Health Service
(General Medical Services
Contracts) (Prescription of Drugs
Etc) (Wales) (Amendment)
Regulations 2009

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) (Wales) Regulations 2004 (“the principal Regulations”) which make provision as to the drugs, medicines or other substances that may be ordered for patients in the provision of medical services under a general medical services contract within the meaning of section 42 of the National Health Service (Wales) Act 2006.

Regulation 2 amends Schedule 2 to the principal Regulations (drugs or medicines to be ordered only in certain circumstances) to add further circumstances in which the drug Oseltamivir (Tamiflu) may be ordered under such a contract to include pandemic disease (such as pandemic influenza) which poses a serious risk, or potentially a serious risk, to human health (or such a disease is anticipated imminently) and the supply of the drugs is in accordance with a protocol relating to that disease as provided for in article 12F of the Prescription Only Medicines (Human Use) Order 1997 or article 8 of the Medicines (Pharmacy and General Sale-Exemption) Order 1980.

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The National Health Service
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Made 9 July 2009

Laid before the National 10 July 2009

Assembly for Wales

Coming into force 10 July 2009

The Welsh Ministers, in exercise of the powers conferred by sections 46 and 203(9) of the National Health Service (Wales) Act 2006⁽¹⁾, make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the National Health Service (General Medical Services Contracts) (Prescription of Drugs Etc) (Wales) (Amendment) Regulations 2009 and they come into force on 10 July 2009.

(2) These Regulations apply in relation to Wales.

**Amendment of the National Health Service
(General Medical Services Contracts) (Prescription
of Drugs Etc) (Wales) Regulations 2004**

2.—(1) The National Health Service (General Medical Services Contracts) (Prescription of Drugs Etc) (Wales) Regulations 2004⁽²⁾ are amended as follows.

⁽¹⁾ 2006 c.42.

⁽²⁾ S.I. 2004/1022 (W.119); these Regulations have been amended by S.I. 2005/366 (W.32).

(2) In Schedule 2 (drugs or medicines to be ordered only in certain circumstances)—

- (a) in the in the appropriate place in the entry for the drug Oseltamivir (Tamiflu), insert in columns 2 and 3 respectively—

“(3) Adult and child patients where—	Treatment and prophylaxis of influenza
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the supply of drugs is—

(a) made—

(i) while a disease is pandemic, or

(ii) in anticipation of of a disease being imminently pandemic,

and is a serious risk, or is potentially a serious risk, to human health;

and

(b) in accordance with a protocol relating to that disease as provided for in article 12F of the Prescription Only Medicines (Human Use) Order 1997(1) or article 8 of the Medicines (Pharmacy and General Sale-Exemption) Order 1980(2).”; and

- (b) After the words “In this Schedule” insert in the appropriate place in the alphabetical order—

““Pandemic influenza” means influenza caused by a new virus subtype that has an increased and sustained transmission during a global outbreak of influenza;”.

(1) S.I. 1997/2044.

(2) S.I. 1980/1924.

Edwina Hart

Minister for Health and Social Services, one of the
Welsh Ministers

9 July 2009