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STATUTORY INSTRUMENTS

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**2004 No. 865**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The General Medical Services and Personal Medical Services  
Transitional and Consequential Provisions Order 2004**

*Made - - - - 22nd March 2004*  
*Laid before Parliament 23rd March 2004*  
*Coming into force 1st April 2004*

**THE GENERAL MEDICAL SERVICES AND  
PERSONAL MEDICAL SERVICES TRANSITIONAL  
AND CONSEQUENTIAL PROVISIONS ORDER 2004**

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GENERAL

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PART 2

TRANSITIONAL PROVISIONS RELATING TO GENERAL MEDICAL SERVICES

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18. Repeatable prescribing services
19. Patient records
20. Rights of entry
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24. Complaints relating to general medical services made after 31st March 2004
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28. Arrangements with organisations providing deputy doctors
29. Notification of sub-contracts under general medical services contracts
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33. Patients aged 75 years and over
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44. Carry over of approvals, applications, notices etc.
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51. Complaints
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56. Notifications to patients affected by differences between the terms of a default and a general medical services contract

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### TRANSITIONAL PROVISIONS RELATING TO PERSONAL MEDICAL SERVICES

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58. Existing pilot schemes
59. Variation of transitional agreements
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62. Modification of the 1992 Regulations for the purposes of transitional agreements
63. Modification of the Choice Regulations for the purposes of transitional agreements
64. Assignment of patients: transitional agreements
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66. Variation and termination of transitional agreements
67. Termination of transitional agreements varied under article 59
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69. Dispute resolution

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76. Approvals of out of hours arrangements under general medical services contracts and default contracts
77. Approvals of out of hours arrangements under personal medical services agreements
78. Suspension of approvals and of out of hours arrangements under general medical services contracts, default contracts and personal medical services agreements
79. Refusal of approval of out of hours arrangements under general medical services contracts and default contracts
80. Refusal of approval of out of hours arrangements under personal medical services agreements
81. Review of approval of out of hours arrangements under general medical services contracts and default contracts

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82. Review of approval of out of hours arrangements under general medical services contracts which follow default contracts
83. Review of out of hours arrangements under personal medical services agreements
84. Withdrawal of approval of out of hours arrangements under general medical services contracts and default contracts
85. Withdrawal of approval of out of hours arrangements under personal medical services agreements
86. Appeal against immediate withdrawal of approval of out of hours arrangements under general medical services contracts and default contracts
87. References to the NHS dispute resolution procedure in general medical services contracts which follow default contracts
88. Carry over of disputes relating to out of hours arrangements between default contracts and general medical services contracts
89. Appeal against immediate withdrawal of approval of out of hours arrangements under personal medical services agreements
90. Saving and transitory provision in relation to regulations 1 to 11 of the Out of Hours Regulations
91. Sub-contracting of out of hours services under general medical services contracts
92. Out of hours services to patients not registered with general medical services contractors or default contractors
93. Application of regulation 30 of the 2004 Regulations to general medical services contracts entered into under Part 2 of the Transitional Order

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96. Referrals to investigating discipline committees before the relevant date (regulation 5 of the Service Committees Regulations)
97. Determination of a Primary Care Trust or the Secretary of State made before the relevant date (regulations 8, 9, 10 and 11 of the Service Committees Regulations)
98. Determination of a Primary Care Trust made on or after the relevant date (regulation 8 of the Service Committees Regulations)
99. Appeals to the Secretary of State against determinations of Primary Care Trusts (regulations 9, 10 and 11 of the Service Committees Regulations)
100. Excessive prescribing (regulation 15 of the Service Committees Regulations)
101. Investigation of certification (regulation 16 of the Service Committees Regulations)
102. Investigation of record keeping (regulation 17 of the Service Committees Regulations)
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106. Transitional provision in cases where preferential treatment on transferring to medical lists was given
107. Continuing validity of forms
108. Transitory interpretation of references in enactments to primary medical services
109. Transitory interpretation of references to general medical services contracts

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112. Saving of section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992
113. Saving of sections 2A and 6(5) of the Health Service Commissioners Act 1993
114. Transitional provision in relation to the National Health Service (Injury Benefits) Regulations 1995
115. Transitory modification of section 18 of the 1990 Act
116. Modification of section 115 of the Police Act 1997
117. Transitory modification of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994
118. Transitory modification of the National Health Service (Vocational Training for General Medical Practice) Regulations 1997
119. Minor and consequential amendments
120. Revocations  
Signature

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### SCHEDULE 1 — MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The Social Security (Medical Evidence) Regulations 1976*

1. (1) The Social Security (Medical Evidence) Regulations 1976 shall be...

#### *Medicines (Pharmacy and General Sale – Exemption) Order 1980*

2. (1) The Medicines (Pharmacy and General Sale – Exemption) Order...

#### *The Statutory Sick Pay (Medical Evidence) Regulations 1985*

3. In the Statutory Sick Pay (Medical Evidence) Regulations 1985, in...

#### *The National Health Service (General Ophthalmic Services) Regulations 1986*

4. (1) The National Health Service (General Ophthalmic Services) Regulations 1986...

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*The Statutory Maternity Pay (Medical Evidence) Regulations 1987*

5. In the Statutory Maternity Pay (Medical Evidence) Regulations 1987, in...

*Prescription Pricing Authority Constitution Order 1990*

6. In the Prescription Pricing Authority Constitution Order 1990, in article...

*National Health Service Trusts (Membership and Procedure) Regulations 1990*

7. (1) The National Health Service Trusts (Membership and Procedure) Regulations...

*The Children (Private Arrangements for Fostering) Regulations 1991*

8. (1) The Children (Private Arrangements for Fostering) Regulations 1991 shall...

*The National Health Service (General Dental Services) Regulations 1992*

9. In the National Health Service (General Dental Services) Regulations 1992,...

*The National Health Service (Service Committees and Tribunal) Regulations 1992*

10. Subject to articles 94 to 104, the National Health Service...

*The Dental Vocational Training Authority Regulations 1993*

11. In the Dental Vocational Training Authority Regulations 1993, in regulation...

*The Medicines for Human Use (Marketing Authorisations etc) Regulations 1994*

12. In the Medicines for Human Use (Marketing Authorisations etc) Regulations...

*The National Health Service (Injury Benefits) Regulations 1995*

13. (1) The National Health Service (Injury Benefits) Regulations 1995 shall...

*The National Health Service Contracts (Dispute Resolution) Regulations 1996*

14. In the National Health Service Contracts (Dispute Resolution) Regulations 1996,...

*The National Health Service (Functions of Health Authorities) (Complaints) Regulations 1996*

15. In the National Health Service (Functions of Health Authorities) (Complaints)...

*The Health Authorities (Membership and Procedure) Regulations 1996*

16. (1) The Health Authorities (Membership and Procedure) Regulations 1996 shall...

*The National Health Service (Indicative Amounts) Regulations 1997*

17. In the National Health Service (Indicative Amounts) Regulations 1997, in...

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*The Prescription Only Medicines (Human Use) Order 1997*

18. (1) The Prescription Only Medicines (Human Use) Order 1997 shall...

*The National Health Service (Proposals for Pilot Schemes) and (Miscellaneous Amendments) Regulations 1997*

19. (1) In the National Health Service (Proposals for Pilot Schemes)...

*The National Health Service (Pilot Schemes – Health Service Bodies) Regulations 1997*

20. (1) In the National Health Service (Pilot Schemes – Health...

*The Medical Act 1983 (Approved Medical Practices and Conditions of Residence) and National Health Service (General Medical Services) (Amendment) Regulations 1998*

21. (1) The Medical Act 1983 (Approved Medical Practices and Conditions...

*The Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999*

22. (1) The Primary Care Trusts (Consultation on Establishment, Dissolution and...

*The Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000*

23. (1) The Primary Care Trusts (Membership, Procedure and Administration Arrangements)...

*The Health Service Medicines (Control of Prices of Branded Medicines) Regulations 2000*

24. In the Health Service Medicines (Control of Prices of Branded...

*The National Health Service (Payments by Local Authorities to NHS Bodies) (Prescribed Functions) Regulations 2000*

25. In the National Health Service (Payments by Local Authorities to...

*The National Health Service (Charges for Drugs and Appliances) Regulations 2000*

26. (1) The National Health Service (Charges for Drugs and Appliances)...

*The Family Health Services Appeal Authority (Procedure) Rules 2001*

27. (1) The Family Health Services Appeal Authority (Procedure) Rules 2001...

*The Care Homes Regulations 2001*

28. (1) The Care Homes Regulations 2001 shall be amended as...

*The Children's Homes Regulations 2001*

29. (1) The Children's Homes Regulations 2001 shall be amended as...

*The Private and Voluntary Health Care (England) Regulations 2001*

30. (1) The Private and Voluntary Health Care (England) Regulations 2001...

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*The Fostering Services Regulations 2002*

31. (1) The Fostering Services Regulations 2002 shall be amended as...

*The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002*

32. (1) The National Health Service (Functions of Strategic Health Authorities...

*The Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002*

33. (1) The Commission for Patient and Public Involvement in Health...

*The Counter Fraud and Security Management Service Regulations 2002*

34. In the Counter Fraud and Security Management Service Regulations 2002 —...

*The Residential Family Centres Regulations 2002*

35. (1) The Residential Family Centres Regulations 2002 shall be amended...

*The Health Protection Agency (Yr Asiantaeth Diogelu Iechyd) Regulations 2003*

36. In the Health Protection Agency (Yr Asiantaeth Diogelu Iechyd) Regulations...

*The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003*

37. (1) The General and Specialist Medical Practice (Education, Training and...

*The Patients' Forums (Membership and Procedure) Regulations 2003*

38. In the Patients' Forums (Membership and Procedure) Regulations 2003—

*The Patients' Forums (Functions) Regulations 2003*

39. In the Patients' Forums (Functions) Regulations 2003, in regulation 3...

*The National Health Service (Travel Expenses and Remission of Charges) Regulations 2003*

40. In regulation 3 of the National Health Service (Travel Expenses...

*The NHSU Regulations 2003*

41. In the NHSU Regulations 2003— (a) in regulation 1(3) (citation,...

*The NHS Professionals Special Health Authority Regulations 2003*

42. In regulation 1(3) of the NHS Professionals Special Health Authority...

*The Commission for Social Care Inspection (Membership) Regulations 2003*

43. In the Commission for Social Care Inspection (Membership) Regulations 2003—...



*The Commission for Healthcare Audit and Inspection (Membership) Regulations 2003*

44. In the Commission for Healthcare Audit and Inspection (Membership) Regulations...

*The Crime and Disorder Strategies (Prescribed Descriptions) (England) Order 2004*

45. (1) The Crime and Disorder Strategies (Prescribed Descriptions) (England) Order...

*The General Medical Services Transitional and Consequential Provisions Order 2004*

46. (1) The General Medical Services Transitional and Consequential Provisions Order...

SCHEDULE 2 — REVOCATIONS

Explanatory Note