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WELSH STATUTORY INSTRUMENTS

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**2004 No. 1016 (W.113)**

**NATIONAL HEALTH SERVICE, WALES**

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

*Made* - - - - *31st March 2004*

*Coming into force* *1st April 2004*

**THE GENERAL MEDICAL SERVICES TRANSITIONAL AND  
CONSEQUENTIAL PROVISIONS (WALES) (NO. 2) ORDER 2004**

PART 1

GENERAL

1. Citation, commencement, application and interpretation

PART 2

TRANSITIONAL PROVISIONS RELATING TO GENERAL MEDICAL SERVICES

2. Application and interpretation of this Part
3. Applications for inclusion in lists of patients
4. Acceptance of applications for inclusion in lists of patients
5. Removal from the list of patients at the request of the patient
6. Removal from the list of patients at the request of the relevant medical practitioner
7. Removals from the list of patients who are violent
8. Removals from the list of patients who have moved
9. Removals not reflected in the list of patients on 31st March 2004
10. Applications for acceptance as a temporary resident
11. Acceptance of temporary residents
12. Termination of responsibility for temporary residents
13. Provision of immediately necessary treatment
14. Newly registered patients
15. Appointments system
16. Qualifications of performers
17. Independent nurse prescribers and supplementary prescribers
18. Patient records
19. Rights of entry

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20. Refusal of approval of premises under paragraphs 29 and 29A of Schedule 2 to the 1992 Regulations
21. Withdrawal of approval of premises under paragraph 29A of Schedule 2 to the 1992 Regulations
22. Investigation of outstanding complaints
23. Complaints relating to general medical services made after 31st March 2004
24. Reports to a medical officer
25. Inquiries about prescriptions and referrals
26. Notification of sub-contracts under general medical services contracts
27. Practice leaflet
28. Medical examination of medical practitioners
29. Patients not seen within three years
30. Patients aged 75 years and over
31. Arrangements for GP Registrars
32. Refund of fees paid under paragraph 38(f) of Schedule 2 to the 1992 Regulations
33. Annual reports
34. Determination of question whether a substance is a drug
35. Entry on to medical performers list of persons approved under regulations 18A or 18B of the 1992 Regulations
36. Outstanding appeals against refusal of approval under regulations 18A or 18B of the 1992 Regulations
37. Permission for use of facilities in private practice under section 72 of the 1977 Act
38. Recovery of overpayments
39. Continuation of pre-contract disputes relating to general medical services contracts

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#### TRANSITIONAL PROVISIONS FOR GENERAL MEDICAL SERVICES CONTRACTS WHICH FOLLOW DEFAULT CONTRACTS

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41. Carry over of approvals, applications, notices etc.
42. Newly registered patients
43. Temporary residents
44. Provision of immediately necessary treatment
45. Removals from the list of patients
46. Requirement to provide dispensing services
47. Sub-contracting
48. Complaints
49. Refund of fees
50. Annual returns and reviews
51. Carry-over of disputes between default and general medical services contracts
52. Grounds for termination of the general medical services contract
53. Notifications to patients affected by differences between the terms of a default and a general medical services contract

#### PART 4

### TRANSITIONAL PROVISIONS RELATING TO THE CHOICE REGULATIONS

54. Assignment of patients
55. Representations against assignments

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### TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS RELATING TO OUT OF HOURS ARRANGEMENTS AND SERVICES

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57. Terms of general medical services contracts and default contracts
58. Applications for approval of out of hours arrangements under general medical services contracts and default contracts
59. Approvals of out of hours arrangements under general medical services contracts and default contracts
60. Refusal of approval of out of hours arrangements under general medical services contracts and default contracts
61. Review of approval of out of hours arrangements under general medical services contracts and default contracts
62. Review of approval of out of hours arrangements under general medical services contracts which follow default contracts
63. Withdrawal of approval of out of hours arrangements under general medical services contracts and default contracts
64. Appeal against immediate withdrawal of approval of out of hours arrangements under general medical services and default contracts
65. References to the NHS dispute resolution procedure in general medical services contracts which follow default contracts
66. Carry over of disputes relating to out of hours arrangements between default contracts and general medical services contracts
67. Sub-contracting of out of hours services under general medical services contracts
68. Out of hours services to patients not registered with general medical services contractors or default contractors
69. 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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### TRANSITIONAL ARRANGEMENTS: THE NATIONAL HEALTH SERVICE (SERVICE COMMITTEES AND TRIBUNAL) REGULATIONS 1992

70. Interpretation
71. Cases where no decision has been made before the relevant date as to whether disciplinary action should be taken (regulation 4 of the Service Committees Regulations)
72. Referrals to investigating discipline committees before the relevant date (regulation 5 of the Service Committees Regulations)
73. Determination of a Local Health Board or the Assembly made before the relevant date (regulation 8, 9, 10 and 11 of the Service Committees Regulations)

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74. Determination of a Local Health Board made on or after the relevant date (regulation 8 of the Service Committees Regulations)
75. Appeals to the Assembly against determinations of Local Health Boards (regulations 9, 10 and 11 of the Service Committees Regulations)
76. Excessive prescribing (regulation 15 of the Service Committees Regulations)
77. Investigation of certification (regulation 16 of the Service Committees Regulations)
78. Investigation of record keeping (regulation 17 of the Service Committees Regulations)
79. Decision as to treatment for which fees may be charged by doctors (regulation 18 of the Service Committees Regulations)
80. Functions of Local Medical Committees

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81. Details to be included on prescription forms
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84. Transitory interpretation of references in enactments to primary medical services
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86. Meaning of suitable experience
87. Savings of certain provisions of the Medical Act 1983
88. Saving of section 279 of the Trade Union and Labour Relations (Consolidation) Act 1992
89. Saving of sections 2A and 6(5) of the Health Service Commissioners Act 1993
90. Transitional provision in relation to the National Health Service (Injury Benefits) Regulations 1995
91. Transitory modification of section 18 of the 1990 Act
92. Modification of section 115 of the Police Act 1997
93. Transitory modification of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994
94. Transitory modification of the National Health Service (Vocational Training for General Medical Practice) Regulations 1997
95. Minor and consequential amendments
96. Revocations  
Signature

*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...

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

*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. (1) Subject to articles 70 to 80, the National Health...

*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...

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*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...

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

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

*The National Health Service (Payments by Local Authorities to NHS Bodies) (Prescribed Functions) (Wales) Regulations 2001*

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

*The National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001*

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

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

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

*The Care Homes (Wales) Regulations 2002*

26. (1) The Care Homes (Wales) Regulations 2002 shall be amended...

*The Children's Homes Regulations 2001*

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

*The Care Homes (Wales) Regulations 2002*

28. (1) The Care Homes (Wales) Regulations 2002 shall be amended...

*The Fostering Services (Wales) Regulations 2003*

29. (1) The Fostering Services (Wales) Regulations 2003 shall be amended...

*The Counter Fraud and Security Management Service Regulations 2002*

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

*The Residential Family Centres (Wales) Regulations 2003*

31. (1) The Residential Family Centres (Wales) Regulations 2003 shall be...

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

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

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

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

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

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

*The Local Health Boards (Constitution, Membership and Procedure)(Wales) Regulations 2003*

36. The Local Health Boards (Constitution, Membership and Procedure) (Wales) Regulations...

*The General Medical Services Transitional and Consequential Provisions Order (Wales) 2004*

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

SCHEDULE REVOCATIONS

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## Explanatory Note