EXPLANATORY MEMORANDUM TO THE

GENERAL MEDICAL SERVICES AND PERSONAL MEDICAL SERVICES TRANSITIONAL AND CONSEQUENTIALS PROVISIONS (AMENDMENT) ORDER 2005

2005 No.518

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This order makes two relatively minor amendments to the General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (SI 2004/865 as amended by SI 2004/2694).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (the 2004 Order) came into effect on 1st April 2004. It made a number of transitional and consequential provisions relating to the introduction of new arrangements for primary medical services from that date.

4.2 Article 105 of the 2004 Order provided a period (up to 31 March 2005) during which prescription forms, repeatable prescriptions and batch issues need not include the name of the contractor as required by the NHS (General Medical Services Contracts) Regulations 2004 (SI 2004/291) and the NHS (Personal Medical Service Agreement) Regulations 2004 (SI 2004/627). This was needed, as NHS computer software was unable to reproduce these details onto the printed forms. Unfortunately this issue has not yet been fully resolved and it has proved necessary to extend the transitional period.

4.3 Article 2 of this Order therefore amends Article 105 of the 2004 Order to extend the period in which the name of the contractor is not required by a further year. It is anticipated that the difficulties with the NHS computer software will be resolved within this twelve-month period.

4.4 Without this provision the validity of repeatable prescriptions and batch issues could, after 31 March 2005, be called into doubt.

4.5 Article 3 of this Order corrects a cross-referencing error made in the 2004 Order.

5. Extent

5.1 This instrument applies to England only.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy background

7.1. The NHS Confederation and the General Practitioners Committee of the BMA ("GPC") reached agreement on a new contract for the provision of primary medical services by doctors. This was published in the document "The new GMS contract 2003 – Investing in General Practice" in February 2003. This agreement called for a change in the regulatory framework for the provision of primary medical services by doctors from the current statutory arrangements made with individual general practitioners to one based on contractual arrangements with practices. The primary legislation necessary to implement this agreement was included in Part 4 of the Health and Social Care (Community Health and Standards) Bill. These measures were the subject of full debate during passage of the Bill through Parliament in October and November 2003.

7.2 The NHS (General Medical Services Contracts) Regulations 2004 and the NHS (Personal Medical Service Agreements) Regulations 2004 represent the main pieces of secondary legislation, brought into force between February and April 2004, to bring about the new scheme for primary medical services. The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 made a number of provisions relating to the introduction of the new GMS contract, the associated changes to PMS Agreements and other changes to the arrangements for primary medical services.

7.3 This Order makes two relatively minor amendments to the General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004.

7.4 The Department has consulted the GPC on the content of this Order and they have signified that they are content with the changes that are included.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this Order, as it has no impact on business, charities or voluntary bodies.

8.2 There is no impact on the public sector.

9. Contact

Steve Rowlands at the Department of Health Tel: 0113 2545192 or e-mail: steve.rowlands@dh.gsi.gov.uk who can answer queries regarding the instrument.