

## **EXPLANATORY MEMORANDUM TO**

### **The Health and Personal Social Services (General Medical Services Contracts) (Prescription of Drugs Etc) (Amendment) Regulations (Northern Ireland) 2026**

**S.R. 2026 No. 72**

#### **1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department of Health to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under the Health and Personal Social Services (Northern Ireland) Order and is subject to the negative resolution procedure.

#### **2. Purpose of the Regulations**

- 2.1 The purpose of this Statutory Rule is to amend Schedule 2 to the Health and Personal Social Services (General Medical Services Contracts) (Prescription of Drugs) (Regulations) (Northern Ireland) 2004 (“the 2004 Regulations”) to enable two influenza antiviral treatments - Oseltamivir (Tamiflu) and Zanamivir (Relenza) to be prescribed and dispensed via standard prescription processes outside of the flu season in Northern Ireland, providing the other conditions in column 2 of Schedule 2 to the 2004 Regulations are met.

#### **3. Background and Legislative Context**

- 3.1 The 2004 Regulations make provisions 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 Article 57 of the Health and Personal Social Services (Northern Ireland) Order 1972.
- 3.2 Regulation 3 and Schedule 2 to the 2004 Regulations lists drugs, medicines and other substances that can only be prescribed to patients under a General Medical Services contract in certain circumstances.
- 3.3 Oseltamivir (Tamiflu) and Zanamivir (Relenza) are two antiviral medicines listed in Schedule 2 to the 2004 Regulations. Outside of the flu season, which is defined by a notification from the Chief Medical Officer based on advice on epidemic thresholds, prescribing of these two antivirals for influenza is currently prohibited in Northern Ireland. The Health and Personal Social Services (General Medical Services Contracts) (Prescription of Drugs Etc) (Amendment) Regulations (Northern Ireland) 2026 (“the 2026 Regulations”) remove this notification requirement, which has the effect of allowing year-round prescribing of these treatments if the other conditions in column 2 of Schedule 2 to the 2004 Regulations are met.

#### **4. Consultation**

- 4.1 The Department conducted an eight-week targeted consultation with the Pharmaceutical Society of Northern Ireland (PSNI); ABPI Northern Ireland (Association of the British Pharmaceutical Industry); Community Pharmacy Northern Ireland (CPNI); the Northern Ireland General Practitioners Committee

(NIGPC), and the British Medical Association (NI Committee). All those who responded indicated they were content with the proposed Regulations.

## **5. Equality impact**

5.1 The Department of Health has concluded that the proposed amendments will not have a significant impact on equality of opportunity for any group referred to in section 75 of the Northern Ireland Act 1998 and a full Equality Impact Assessment has not been considered necessary.

## **6. Regulatory impact**

6.1 It is not anticipated that these Regulations will have any adverse impact on business, charities, social economy or voluntary bodies.

## **7. Financial implications**

7.1 None anticipated.

## **8. Section 24 of the Northern Ireland Act 1998**

8.1 The Department of Health has considered section 24 of the Northern Ireland Act 1998 and is satisfied that these Regulations are not incompatible with any of the Convention rights; are not incompatible with Community law; do not discriminate against a person or class of person on the grounds of religious belief or political opinion; and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

## **9. EU implications**

9.1 There are no anticipated EU implications as a result of these amendments.

## **10. Parity or Replicatory Measure**

10.1 On 1 September 2025, NHS England made The National Health Service (General Medicines Services Contracts) (Prescription of Drugs etc.) (Amendment) Regulations 2025. This instrument amends Schedule 2 to the National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) Regulations 2004 (the Regulations) also known as the Selected List Scheme (SLS), enabling Oseltamivir (Tamiflu) and Zanamivir (Relenza) to be prescribed and dispensed via standard NHS prescription processes by GPs and pharmacists outside of the flu season, based on a positive flu diagnostic test. This came into force on the 1 October 2025.

10.2 These amending Regulations make similar parallel changes to the 2004 Regulations.

## **11. Additional information**

11.1 Not applicable