STATUTORY INSTRUMENTS

2015 No. 915

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Amendments to Primary Care Terms of Service relating to the Electronic Prescription Service) Regulations 2015

Made - - - -	*24th March 2015*
Laid before Parliament	*27th March 2015*
Coming into force - -	*1st July 2015*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 85, 89(1) and (2)(a), (c) and (d), 94(1) and (3)(f), 126, 129, 132, and 272(7) and (8) of, and paragraph 3(1) and (3)(c) and (f) of Schedule 12 to, the National Health Service Act 2006(**1**).

Citation and commencement

1. These Regulations may be cited as the National Health Service (Amendments to Primary Care Terms of Service relating to the Electronic Prescription Service) Regulations 2015 and come into force on 1st July 2015.

Amendment of Schedule 6 to the National Health Service (General Medical Services Contracts) Regulations 2004

2.—(1) Schedule 6 to the National Health Service (General Medical Services Contracts) Regulations 2004(**2**) (other contractual terms) is amended as follows.

(**1**) 2006 c.41. Section 89 of the National Health Service Act 2006 ("the 2006 Act") has been amended by the Health and Social Care Act 2012 (c. 7) ("the 2012 Act"), Schedule 4, paragraph 34. Section 94 of the 2006 Act has been amended by the 2012 Act, Schedule 4, paragraph 38. Section 126 of the 2006 Act has been amended by the 2012 Act, sections 213(7)(k) and 220(7), and Schedule 4, paragraph 63. Section 129 of the 2006 Act has been amended by the Health Act 2009 (c. 21) ("the 2009 Act"), sections 26 and 27 and Schedule 6, by the 2012 Act, section 207(1) to (9) and Schedule 4, paragraph 66, by the Protection of Freedoms Act 2012 (c. 9), Schedule 9, paragraph 121, and by S.I. 2010/231. Section 132 of the 2006 Act has been amended by the 2012 Act, Schedule 4, paragraph 69, by the Protection of Freedoms Act 2012, Schedule 9, paragraph 122, and by S.I. 2007/289 and 2010/22 and 231. Paragraph 3 of Schedule 12 to the 2006 Act has been amended by the 2009 Act, section 29(14) and (15), and by the 2012 Act, Schedule 4, paragraph 93(4). By virtue of section 271(1) of the 2006 Act, the functions of the Secretary of State being exercised in the making of these Regulations are exercisable only in relation to England. *See also s*ection 275(1) of the 2006 Act, which contains definitions of "prescribed" and "regulations" that are relevant to the powers being exercised.

(**2**) S.I. 2004/291; as amended by S.I. 2004/865, 906 and 2694, 2005/893 and 3315, 2006/501, 2007/3491, 2008/1700, 2009/309, 2205 and 2230, 2010/22, 231 and 578, 2012/970, 1479, 1909, 1916 and 2404, 2013/363, 2014/465, 1887 and 2721 and 2015/196.

(2) In paragraph 39 (which relates to prescribing)—

(a) in sub-paragraph (4)(a), omit "non-electronic"; and

(b) in sub-paragraph (5), omit "non-electronic".

(3) In paragraph 39A (electronic prescriptions), in sub-paragraph (1)(c)—

(a) in sub-paragraph (i), for "Schedule 4 or 5" substitute "Schedules 2 to 5", and at the end of that sub-paragraph insert "or"; and

(b) omit sub-paragraph (ii).

(4) In paragraph 42 (restrictions on prescribing by medical practitioners), after sub-paragraph (2) insert the following sub-paragraph—

"(2A) Where, pursuant to sub-paragraph (1) or (2), a drug, medicine or other substance is prescribed under a private arrangement, if the order is to be transmitted as an electronic communication to a chemist for the drug, medicine or substance to be dispensed—

(a) if the order is not for a drug for the time being specified in Schedule 2 or 3 to the Misuse of Drugs Regulations 2001(**3**), it may be transmitted by the Electronic Prescription Service; but

(b) if the order is for a drug for the time being specified in Schedule 2 or 3 to the Misuse of Drugs Regulations 2001, it must be transmitted by the Electronic Prescription Service.".

Amendment of Schedule 5 to the National Health Service (Personal Medical Services Agreements) Regulations 2004

3.—(1) Schedule 5 to the National Health Service (Personal Medical Services Agreements) Regulations 2004(**4**) (other contractual terms) is amended as follows.

(2) In paragraph 38 (which relates to prescribing)—

(a) in sub-paragraph (4)(a), omit "non-electronic"; and

(b) in sub-paragraph (5), omit "non-electronic".

(3) In paragraph 38A (electronic prescriptions), in sub-paragraph (1)(c)—

(a) in sub-paragraph (i), for "Schedule 4 or 5" substitute "Schedules 2 to 5", and at the end of that sub-paragraph insert "or"; and

(b) omit sub-paragraph (ii).

(4) In paragraph 41 (restrictions on prescribing by medical practitioners), after sub-paragraph (2) insert the following sub-paragraph—

"(2A) Where, pursuant to sub-paragraph (1) or (2), a drug, medicine or other substance is prescribed under a private arrangement, if the order is to be transmitted as an electronic communication to a chemist for the drug, medicine or substance to be dispensed—

(a) if the order is not for a drug for the time being specified in Schedule 2 or 3 to the Misuse of Drugs Regulations 2001(**5**), it may be transmitted by the Electronic Prescription Service; but

(**3**) S.I. 2001/3998. Schedules 2 and 3 have been amended by S.I. 2003/1432, 2007/2154, 2009/3136, 2011/448, 2012/1311 and 2014/1275 and 3277.

(**4**) S.I. 2004/627; as amended by S.I. 2004/906 and 2694, 2005/893, 3315, 3491, 2006/501, 2007/3491, 2008/1700, 2009/309, 2205 and 2230, 2010/22, 231, 234, 478, 578 and 1621, 2012/970, 1479, 1909, 1916 and 2404, 2013/363, 2014/465, 1887 and 2721 and 2015/196.

(**5**) S.I. 2001/3998. Schedules 2 and 3 have been amended by S.I. 2003/1432, 2007/2154, 2009/3136, 2011/448, 2012/1311 and 2014/1275 and 3277.