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STATUTORY INSTRUMENTS

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**2005 No. 765**

**The Medicines for Human Use (Prescribing) Order 2005**

**Amendment of article 15 of the POM Order**

6. For Article 15 of the POM Order (prescriptions)(1), substitute the following article —

“15.—(1) For the purposes of section 58(2)(a), and subject to paragraph (3), a prescription only medicine shall not be taken to be sold or supplied in accordance with a prescription given by an appropriate practitioner unless the conditions specified in paragraph (2) are fulfilled.

(2) The conditions referred to in paragraph (1) are that the prescription—

- (a) shall be signed in ink with his own name by the appropriate practitioner giving it;
- (b) shall, without prejudice to sub-paragraph (a), be written in ink or otherwise so as to be indelible, unless it is a health prescription which is not for a controlled drug specified in Schedule 1, 2 or 3 to the Misuse of Drugs Regulations(2), in which case it may be written by means of carbon paper or similar material;
- (c) shall contain the following particulars—
  - (i) the address of the appropriate practitioner giving it,
  - (ii) the appropriate date,
  - (iii) such particulars as indicate whether the appropriate practitioner giving it is a doctor, a dentist, a supplementary prescriber, a district nurse/health visitor prescriber, an extended formulary nurse prescriber, a veterinary surgeon or a veterinary practitioner,
  - (iv) where the appropriate practitioner giving it is a doctor, dentist, a supplementary prescriber, a district nurse/health visitor prescriber, or an extended formulary nurse prescriber, the name, address and the age, if under 12, of the person for whose treatment it is given, and
  - (v) where the appropriate practitioner giving it is a veterinary surgeon or a veterinary practitioner, the name and the address of the person to whom the prescription only medicine is to be delivered and a declaration by the veterinary surgeon or veterinary practitioner giving it that the prescription only medicine is prescribed for an animal or herd under his care;
- (d) shall not be dispensed after the end of the period of 6 months from the appropriate date, unless it is a repeatable prescription in which case it shall not be dispensed for the first time after the end of that period nor otherwise than in accordance with the directions contained in the repeatable prescription;
- (e) in the case of a repeatable prescription which does not specify the number of times it may be dispensed, shall not be dispensed on more than two occasions unless

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(1) Relevant amending instruments are S.I.2001/2889, 2002/549, 2003/696.

(2) S.I. 2001/3998.

it is a prescription for an oral contraceptive in which case it may be dispensed 6 times before the end of the period of 6 months from the appropriate date.

(3) For the purposes of paragraph (1) the prescription may, as an alternative to fulfilling the conditions specified in paragraph (2)(a) and (b), fulfil instead the conditions specified in paragraph (4), unless the prescription is a health prescription for a controlled drug specified in Schedule 1, 2 or 3 to the Misuse of Drugs Regulations or is given by a veterinary surgeon or a veterinary practitioner.

(4) The conditions referred to in paragraph (3) are that the prescription shall be created in electronic form and signed with an advanced electronic signature and transferred to the person by whom it is dispensed as an electronic communication (including where it is so transferred through one or more intermediaries).

(5) The prohibition on sale or supply imposed by section 58(2)(a) shall not apply where a prescription only medicine is sold or supplied other than in accordance with a prescription given by an appropriate practitioner and –

- (a) the reason the sale or supply is not in accordance with such a prescription is that a condition specified in paragraph (2) or (4) is not fulfilled; and
- (b) the person selling or supplying the prescription only medicine has exercised all due diligence and believes on reasonable grounds that the condition is fulfilled.

(6) In paragraph (2) “appropriate date” means—

- (a) in the case of a health prescription, the date on which it was signed by the appropriate practitioner giving it or a date indicated by him as being the date before which it shall not be dispensed; and
- (b) in every other case, the date on which the prescription was signed by the appropriate practitioner giving it,

and, for the purposes of sub-paragraphs (d) and (e) of that paragraph, where the health prescription bears both the date on which it was signed and a date indicated as being that before which it shall not be dispensed, the appropriate date is the later of those dates.

(7) In this Article—

“advanced electronic signature” means an electronic signature which is—

- (a) uniquely linked to the signatory,
- (b) capable of identifying the signatory,
- (c) created using means that the signatory can maintain under his sole control, and
- (d) which is linked to the data to which it relates in such a manner that any subsequent change of data is detectable;

“electronic communication” means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—

- (a) by means of a telecommunication system (within the meaning of the Telecommunications Act 1984(3), or
- (b) by other means but while in an electronic form; and

“signatory” means the appropriate practitioner giving the prescription.”.