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## STATUTORY INSTRUMENTS

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# 2015 No. 1862

## The National Health Service (General Medical Services Contracts) Regulations 2015

### PART 8

#### Prescribing and dispensing

##### Restrictions on prescribing by medical practitioners

**61.**—(1) A medical practitioner, in the course of treating a patient to whom the practitioner is providing treatment under the contract, must comply with the following paragraphs.

(2) The medical practitioner must not order on a [<sup>F1</sup>listed prescription items] voucher, prescription form or a repeatable prescription a drug, medicine or other substance specified in any directions given by the Secretary of State in regulations made under section 88 of the Act <sup>M1</sup> (GMS contracts: prescription of drugs etc) as being drugs, medicines or other substances which may not be ordered for patients in the provision of medical services under the contract.

(3) The medical practitioner must not order on a [<sup>F1</sup>listed prescription items] voucher, a prescription form or repeatable prescription a drug, medicine or other substance specified in any directions given by the Secretary of State under section 88 of the Act (GMS contracts: prescription of drugs etc) as being a drug, medicine or other substance which can only be ordered for specified patients and for specified purposes unless—

- (a) the patient is a person of the specified description;
- (b) the drug, medicine or other substance is prescribed for that patient only for the specified purpose; and
- (c) if the order is on a prescription form, the practitioner includes on the form—
  - (i) the reference “SLS”, or
  - (ii) if the order is under arrangements made by the Secretary of State or [<sup>F2</sup>NHS England] for the distribution of a [<sup>F3</sup>listed prescription item] free of charge, the reference “ACP”.

(4) The medical practitioner must not order on a prescription form or repeatable prescription a restricted availability appliance unless—

- (a) the patient is a person, or it is for a purpose, specified in the Drug Tariff; and
- (b) the practitioner includes on the prescription form the reference “SLS”.

(5) The medical practitioner must not order on a repeatable prescription a controlled drug within the meaning of section 2 of the Misuse of Drugs Act 1971 <sup>M2</sup> (which relates to controlled drugs and their classification for the purposes of that Act), other than a drug which is for the time being specified in Schedule 4 (controlled drugs excepted from the prohibition on importation, exportation and possession and subject to the requirements of regulations 24 and 26) or Schedule 5 (controlled

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**Changes to legislation:** *The National Health Service (General Medical Services Contracts) Regulations 2015, Section 61 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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drugs excepted from the prohibition on importation, exportation and possession and subject to the requirements of regulations 24 and 26) to the Misuse of Drugs Regulations 2001 <sup>M3</sup>.

(6) Subject to regulation 24(2)(b) and to paragraph (7), nothing in the preceding paragraphs prevents a medical practitioner, in the course of treating a patient to whom this regulation refers, from prescribing a drug, medicine or other substance or, as the case may be, a restricted availability appliance or a controlled drug within the meaning of section 2 of the Misuse of Drugs Act 1971 (which relates to controlled drugs and their classification for the purposes of that Act), for the treatment of that patient under a private arrangement.

(7) Where, under paragraph (6), 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 appliance to be dispensed—

- (a) if the order is not for a drug for the time being specified in Schedule 2 (controlled drugs subject to the requirements of regulations 14, 15, 16, 18, 19, 20, 21, 23, 26 and 27) or 3 (controlled drugs subject to the requirements of regulations 14, 15, 16, 18, 22, 23, 24, 26 and 27) to the Misuse of Drugs Regulations 2001 <sup>M4</sup>, 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 (controlled drugs subject to the requirements of regulations 14, 15, 16, 18, 19, 20, 21, 23, 26 and 27) or 3 (controlled drugs subject to the requirements of regulations 14, 15, 16, 18, 22, 23, 24, 26 and 27) to the Misuse of Drugs Regulations 2001, it must be transmitted by the Electronic Prescription Service.

#### Textual Amendments

- F1** Words in [reg. 61](#) substituted (21.12.2021) by [The National Health Service \(Charges, Primary Medical Services and Pharmaceutical and Local Pharmaceutical Services\) \(Coronavirus\) \(Further Amendments\) Regulations 2021 \(S.I. 2021/1346\)](#), regs. 1(2)(a), **18(2)**
- F2** Words in Regulations substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), reg. 1(1), **Sch. para. 1**
- F3** Words in [reg. 61\(3\)\(c\)\(ii\)](#) substituted (21.12.2021) by [The National Health Service \(Charges, Primary Medical Services and Pharmaceutical and Local Pharmaceutical Services\) \(Coronavirus\) \(Further Amendments\) Regulations 2021 \(S.I. 2021/1346\)](#), regs. 1(2)(a), **18(3)**

#### Marginal Citations

- M1** See the [National Health Service \(General Medical Services Contracts\) \(Prescription of Drugs, Medicines and Appliances etc\) Regulations 2004 \(S.I. 2004/639\)](#) for the Directions given by the Secretary of State under section 88 of the Act. [S.I. 2004/639](#) was amended by [S.I. 2004/3215](#), [S.I. 2009/2230](#), [S.I. 2010/2389](#), [S.I. 2011/680](#) and [1043](#), [S.I. 2013/ 363](#) and [2494](#) and [S.I. 2014/1625](#).
- M2** [1971 c.38](#).
- M3** [S.I. 2001/3998](#). Schedule 4 was amended by [S.I. 2003/1432](#), [S.I. 2005/3372](#), [S.I. 2007/2154](#), [S.I. 2009/3136](#), [S.I. 2013/625](#), [S.I. 2014/1275](#) and [3277](#) and [S.I. 2015/891](#). Schedule 5 was amended by [S.I. 2005/2864](#).
- M4** [S.I. 2001/3998](#). Schedules 2 and 3 were amended by [S.I. 2003/1432](#), [S.I. 2007/2154](#), [S.I. 2009/3136](#), [S.I. 2011/448](#), [S.I. 2012/1311](#), [S.I. 2014/1275](#) and [3277](#) and [S.I. 2015/891](#).

**Changes to legislation:**

The National Health Service (General Medical Services Contracts) Regulations 2015, Section 61 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 para. 2(3)(4) inserted by [S.I. 2024/575 Sch. 1 para. 7\(a\)\(ii\)](#)
- Sch. 3 para. 18(3)(3A) substituted for Sch. 3 para. 18(3) by [S.I. 2024/575 Sch. 1 para. 10](#)