
STATUTORY INSTRUMENTS

2015 No. 1879

The National Health Service (Personal Medical Services Agreements) Regulations 2015

PART 9

Prescribing and dispensing

Orders for drugs, medicines or appliances

49.—(1) Subject to [^{F1}paragraphs (1A), (2) and (3)] and to the restrictions on prescribing in regulations 54 and 55, a prescriber must order any drugs, medicines or appliances which are needed for the treatment of a patient who is receiving treatment under the agreement by—

- (a) issuing to the patient a non-electronic prescription form or non-electronic repeatable prescription completed in accordance with paragraph (6);
- (b) creating and transmitting an electronic prescription in circumstances to which regulation 50(1) applies,

and a non-electronic prescription form, non-electronic repeatable prescription or electronic prescription that is for health service use must not be used in any other circumstances.

[^{F2}(1A) If, on a particular occasion when a drug, medicine or appliance is needed as mentioned in paragraph (1)—

- (a) the prescriber is able, without delay, to order the drug, medicine or appliance by means of an electronic prescription;
- (b) the Electronic Prescription Service software that the prescriber would use for that purpose provides for the creation and transmission of electronic prescriptions without the need for a nominated dispenser; and
- (c) none of the reasons for issuing a non-electronic prescription form or a non-electronic repeatable prescription given in paragraph (1B) apply,

the prescriber must create and transmit an electronic prescription for that drug, medicine or appliance.

(1B) The reasons given in this paragraph are—

- (a) although the prescriber is able to use the Electronic Prescription Service, the prescriber is not satisfied that—
 - (i) the access that the prescriber has to the Electronic Prescription Service is reliable, or
 - (ii) the Electronic Prescription Service is functioning reliably;
- (b) the patient, or where appropriate the patient's authorised person, informs the prescriber that the patient wants the option of having the prescription dispensed elsewhere than in England;
- (c) the patient, or where appropriate the patient's authorised person, insists on the patient being issued with a non-electronic prescription form or a non-electronic repeatable prescription

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for a particular prescription and in the professional judgment of the prescriber the welfare of the patient is likely to be in jeopardy unless a non-electronic prescription form or a non-electronic repeatable prescription is issued;

- (d) the prescription is to be issued before the contractor's EPS phase 4 date or the contractor has no such date.]

(2) A healthcare professional must order any home oxygen services which are needed for the treatment of a patient who is receiving treatment under the agreement by issuing a home oxygen order form.

(3) During an outbreak of an illness for which a [F³listed prescription item] may be used for a treatment or for prophylaxis, if—

- (a) the Secretary of State or [F⁴NHS England] has made arrangements for the distribution of a [F³listed prescription item] free of charge; and
- (b) that [F³listed prescription item] is needed for treatment or prophylaxis of any patient who is receiving treatment under the agreement,

a prescriber may order that [F³listed prescription item] by using a [F⁵listed prescription items] voucher and must sign that [F⁵listed prescription items] voucher [F⁶(with an electronic signature, if an electronic form is used)] if one is used.

(4) During an outbreak of an illness for which a [F⁷listed prescription item] may be used for treatment or for prophylaxis, if—

- (a) the Secretary of State or [F⁴NHS England] has made arrangements for the distribution of a [F⁷listed prescription item] free of charge;
- (b) those arrangements contain criteria set out in a protocol which enable persons who are not prescribers to identify the symptoms of, and whether there is a need for treatment or prophylaxis of, that disease;
- (c) a person acting on behalf of the contractor, who is not a prescriber but who is authorised by [F⁴NHS England] to order [F⁸listed prescription items], has applied the criteria referred to in sub-paragraph (b) to a patient who is receiving treatment under the agreement; and
- (d) having applied the criteria, that person has concluded that the [F⁷listed prescription item] is needed for the treatment or prophylaxis of the patient,

that person may order that [F⁷listed prescription item] by using a [F⁸listed prescription items] voucher and must sign that [F⁸listed prescription items] voucher [F⁹(with an electronic signature, if an electronic form is used)] if one is used.

(5) A prescriber may only order drugs, medicines or appliances on a repeatable prescription where the drugs, medicines or appliances are to be provided more than once.

[F¹⁰(5A) A prescriber must only order one prescription item on a prescription form or repeatable prescription that is used by the prescriber for ordering a listed HRT prescription item.

(5B) For the purposes of paragraph (5A), “listed HRT prescription item” is to be construed in accordance with regulation 17A(1)(a) of the National Health Service (Charges for Drugs and Appliances) Regulations 2015, read with regulation 17A(7) of those Regulations.]

(6) In issuing a non-electronic prescription form or non-electronic repeatable prescription the prescriber must—

- (a) sign the prescription form or repeatable prescription in ink in the prescriber's own handwriting, and not by means of a stamp, with the prescriber's initials, or forenames, and surname; and

- (b) only sign the prescription or repeatable prescription after particulars of the order have been inserted in the prescription form or repeatable prescription.
- (7) A prescription form or repeatable prescription must not refer to any previous prescription form or repeatable prescription.
- (8) A separate prescription form or repeatable prescription must be used for each patient, except where a bulk prescription is issued for a school or institution under regulation 54.
- (9) A home oxygen order form must be signed by a health care professional.
- (10) Where a prescriber orders the drug buprenorphine or diazepam or a drug specified in Schedule 2 to the Misuse of Drugs Regulations 2001 ^{M1} (controlled drugs to which regulations 14 to 16, 18, 21, 23, 26 and 27 of those Regulations apply) for supply by instalments for treating addiction to any drug specified in that Schedule, that prescriber must—
 - (a) use only the ^{F11}... prescription form provided specially for the purposes of supply by instalments;
 - (b) specify the number of instalments to be dispensed and the interval between each instalment; and
 - (c) only order such quantity of the drug as will provide treatment for a period not exceeding 14 days.
- (11) The prescription form provided specially for the purpose of supply by instalments must not be used for any purpose other than ordering drugs in accordance with paragraph (10).
- (12) In an urgent case, a prescriber may only request a chemist to dispense a drug or medicine before a prescription form or repeatable prescription is issued or created if—
 - (a) the drug or medicine is not a Scheduled drug;
 - (b) the drug is not a controlled drug within the meaning of section 2 of the Misuse of Drugs Act 1971 ^{M2} (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 Part 1 of Schedule 4 (controlled drugs subject to the requirements of regulations 22, 23, 26 and 27) or Schedule 5 (controlled drugs excepted from the prohibition of importation, exportation and possession and subject to the requirements of regulations 24 and 26) to the Misuse of Drugs Regulations 2001 ^{M3}; and
 - (c) the prescriber undertakes to—
 - (i) provide the chemist within 72 hours from the time of the request with a non-electronic prescription form or a non-electronic repeatable prescription completed in accordance with paragraph (6), or
 - (ii) transmit by the Electronic Prescription Service within 72 hours from the time of the request an electronic prescription.
- (13) In an urgent case, a prescriber may only request a chemist to dispense an appliance before a prescription form or repeatable prescription form is issued or created if—
 - (a) the appliance does not contain a Scheduled drug, 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), other than a drug which is for the time being specified in Schedule 5 to the Misuse of Drugs Regulations 2001 (controlled drugs excepted from the prohibition on importation, exportation and possession and subject to the requirements of regulations 24 and 26);
 - (b) in the case of a restricted availability appliance, the patient is a person, or it is for a purpose, specified in the Drug Tariff; and
 - (c) the prescriber undertakes to—

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- (i) provide the chemist within 72 hours from the time of the request with a non-electronic prescription form or non-electronic repeatable prescription completed in accordance with paragraph (6), or
- (ii) transmit by the Electronic Prescription Service within 72 hours from the time of the request an electronic prescription.

Textual Amendments

- F1** Words in reg. 49(1) substituted (26.11.2018) by [The National Health Service \(Pharmaceutical Services, Charges and Prescribing\) \(Amendment\) Regulations 2018 \(S.I. 2018/1114\)](#), regs. 1(1), **21(2)**
- F2** Reg. 49(1A)(1B) inserted (26.11.2018) by [The National Health Service \(Pharmaceutical Services, Charges and Prescribing\) \(Amendment\) Regulations 2018 \(S.I. 2018/1114\)](#), regs. 1(1), **21(3)**
- F3** Words in reg. 49(3) 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), **22(2)(a)**
- F4** 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**
- F5** Words in reg. 49(3) 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), **22(2)(b)**
- F6** Words in reg. 49(3) inserted (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), **22(2)(c)**
- F7** Words in reg. 49(4) 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), **22(3)(a)**
- F8** Words in reg. 49(4) 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), **22(3)(b)**
- F9** Words in reg. 49(4) inserted (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), **22(3)(c)**
- F10** Reg. 49(5A)(5B) inserted (1.4.2023) by [The National Health Service \(Amendments Relating to Pre-Payment Certificates, Hormone Replacement Therapy Treatments and Medicines Shortages\) Regulations 2023 \(S.I. 2023/171\)](#), regs. 1(1), **16**
- F11** Word in reg. 49(10)(a) omitted (1.10.2022) by virtue of [The National Health Service \(General Medical Services Contracts and Personal Medical Services Agreements\) \(Amendment\) \(No. 3\) Regulations 2022 \(S.I. 2022/935\)](#), reg. 1(b), **Sch. 2 para. 12**

Marginal Citations

- M1** [S.I. 2001/3998](#). Schedule 2 was amended by [S.I. 2003/1432](#), [S.I. 2009/3136](#), [S.I. 2011/448](#), [S.I. 2014/1275](#) and [S.I. 2015/891](#).
- M2** [1971 c.38](#). Section 2 was amended by paragraphs 1 and 2 of Schedule 17 to the [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#).
- 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 [S.I. 2015/891](#). Schedule 5 was amended by [S.I. 2005/2864](#).

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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. 2 para. 3(3)(4) inserted by [S.I. 2024/575 Sch. 2 para. 7\(a\)\(ii\)](#)
- Sch. 2 para. 17(3)(3A) substituted for Sch. 2 para. 17(3) by [S.I. 2024/575 Sch. 2 para. 10](#)
- reg. 21AA(10)(a)(b) words in reg. 21AA(10) renumbered as reg. 21AA(10)(a)(b) by [S.I. 2023/436 Sch. 2 para. 3\(2\)](#) (This amendment not applied to Legislation.gov.uk - S.I. 2023/436 revoked by S.I. 2023/449, reg. 4 immediately before coming into force.)
- reg. 21AA(11)(a)(i)(ii) words in reg. 21AA(11)(a) renumbered as reg. 21AA(11)(a)(i)(ii) by [S.I. 2023/436 Sch. 2 para. 3\(3\)\(a\)](#) (This amendment not applied to Legislation.gov.uk - S.I. 2023/436 revoked by S.I. 2023/449, reg. 4 immediately before coming into force.)