

**2001 No. 2887**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Charges for Drugs and Appliances) (Electronic Communications) Order 2001**

*Made* - - - - - *20th August 2001*

*Laid before Parliament* *21st August 2001*

*Coming into force* - - *11th September 2001*

The Secretary of State for Health, considering that the authorisation of the use of electronic communications by this Order for any purpose is such that the extent (if any) to which records of things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications than in other cases, in exercise of the powers conferred on him by sections 8 and 9 of the Electronic Communications Act 2000(a), hereby makes the following Order:—

**Citation, commencement, interpretation and extent**

1.—(1) This Order may be cited as the National Health Service (Charges for Drugs and Appliances) (Electronic Communications) Order 2001 and shall come into force on 11th September 2001.

(2) In this Order, “the principal Regulations” means the National Health Service (Charges for Drugs and Appliances) Regulations 2000(b).

(3) This Order extends to England only(c).

**Amendment of regulation 2 of the principal Regulations**

2.—(1) Regulation 2 (interpretation) of the principal Regulations is amended as follows.

(2) In regulation 2(1)—

(a) in the appropriate alphabetical position, insert—

““the 2000 Act” means the Electronic Communications Act 2000;”,

““electronic communication” has the same meaning as in section 15 of the 2000 Act;”,

““electronic signature” has the same meaning as in section 7 of the 2000 Act;”;

(b) in the definition of “prescription form”, after “means” insert “, subject to regulation 2A,”.

(3) After regulation 2, insert—

“**2A.**—(1) In these Regulations, where the conditions set out in paragraph (2) are met, the term “prescription form” includes data that—

(a) are created in an electronic form and signed with an electronic signature and are transmitted as an electronic communication;

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(a) 2000 c.7. For the definition of “the appropriate Minister” see section 9(1) and 10(1).

(b) S.I. 2000/620 as amended by S.I. 2000/2393, S.I. 2000/3189 and S.I. 2001/746.

(c) For the application of section 8 of the Electronic Communications Act 2000 to Wales, see section 10 of that Act.

- (b) are created in an electronic form and signed with an electronic signature, where both the data and the signature are entered on the prescription form in a non-legible manner;
  - (c) are created in writing and signed with an electronic signature which is entered on the prescription form in a non-legible manner; or
  - (d) are created in an electronic form and entered on the prescription form in a non-legible manner, and signed in ink.
- (2) The conditions are:—
- (a) that the prescription is an order for a drug or appliance and is issued by a doctor in connection with the provision of general medical services or personal medical services;
  - (b) that the order is not for an oxygen concentrator; and
  - (c) that the Secretary of State is satisfied that—
    - (i) the use of electronic means in order to create, sign and transmit prescriptions (or whichever of those purposes is applicable) is appropriate for the purposes of a pilot scheme on the use of electronic prescribing in relation to the doctor and, where relevant, the chemist and the premises at which the prescription is dispensed; and
    - (ii) the particular electronic means used by the doctor and, where relevant, the chemist concerned are suitable for the purposes of such a pilot scheme.”.

#### **Amendment of regulation 3 of the principal Regulations**

**3.** In regulation 3 of the principal Regulations (supply of drugs and appliances by chemists):—

- (a) in paragraph (2) the following words shall be added at the end of the paragraph—  
“or, in cases falling within regulation 2A above, provide such a declaration in such other written or alternative form as the Secretary of State is satisfied is suitable for the purposes of a pilot scheme on the use of electronic prescribing.”; and
- (b) in paragraphs (3)(a) and (3)(b) the words “on the prescription form” shall be deleted and the following words added at the end of each paragraph—  
“either on the prescription form or, in cases falling within regulation 2A above, in such other written or alternative form as the Secretary of State is satisfied is suitable for the purposes of a pilot scheme on the use of electronic prescribing.”.

#### **Amendment of regulation 4 of the principal Regulations**

**4.** In regulation 4 of the principal Regulations (supply of drugs and appliances by doctors):—

- (a) in paragraph (2) the following words shall be added at the end of the paragraph—  
“or, in cases falling within regulation 2A above, provide such a declaration in such other written or alternative form as the Secretary of State is satisfied is suitable for the purposes of a pilot scheme on the use of electronic prescribing.”; and
- (b) in paragraphs (3)(a) and (3)(b) the words “on the prescription form” shall be deleted and the following words added at the end of each paragraph—  
“either on the prescription form or, in cases falling within regulation 2A above, in such other written or alternative form as the Secretary of State is satisfied is suitable for the purposes of a pilot scheme on the use of electronic prescribing.”.

Signed by authority of the Secretary of State for Health

20th August 2001

*Hazel Blears*  
Parliamentary Under-Secretary of State,  
Department of Health

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order is made under sections 8 and 9 of the Electronic Communications Act 2000, which enable an Order under that Act to amend subordinate legislation for specified purposes. In this case, the Order amends the National Health Service (Charges for Drugs and Appliances) Regulations 2000 to allow for the creation and transmission of prescriptions by electronic means in cases where specified conditions are met. It may not be used for oxygen concentrators.

Articles 3 and 4 of the Order provide, in cases where electronic prescribing is used, for the signature of the person confirming payment for a prescription or entitlement to exemption from, or remission of, charges (the patient's declaration) to be given other than on the prescription form in such written or alternative form as the Secretary of State is satisfied is suitable for the purposes of a pilot scheme on the use of electronic prescribing.

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£1.75

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Printed and published in the UK by The Stationery Office Limited  
under the authority and superintendence of Carol Tullo, Controller of  
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.  
E1567 9/2001 19585 653086

ISBN 0-11-029898-5



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