

2001 No. 2890

NATIONAL HEALTH SERVICE, ENGLAND

**The National Health Service (General Medical Services)
(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 (General Medical Services) (Electronic Communications) Order 2001 and shall come into force on 11th September 2001.

(2) In this Order, “the 1992 Regulations” means the National Health Service (General Medical Services) Regulations 1992(b).

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

Amendment of the 1992 Regulations

2.—(1) The 1992 Regulations are amended as follows.

(2) In Schedule 2 to the 1992 Regulations (terms of service for doctors), in paragraph 1 (interpretation)—

(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 paragraph 1A,”.

(3) After paragraph 1, insert—

“1A—(1) In this Schedule, where the conditions set out in sub-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;

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

(b) S.I. 1992/635. There are no relevant amending instruments.

(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;
 - (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.”.
- (4) In paragraph 43 (prescribing)—
- (a) in sub-paragraph (1), after “by issuing to that patient a prescription form” insert ‘, or by issuing with the patient’s agreement a prescription form that contains data within the meaning of paragraph 1A(1)(a) and transmitting it by electronic means,”;
 - (b) in sub-paragraph (2), after “not by means of a stamp,” insert “or, where the prescription contains data within the meaning of paragraph 1A(1)(a), (b) or (c) by means of an electronic signature,”.
- (5) In paragraph 44 (prescribing), in sub-paragraph (2)(c) after “the doctor endorses” omit “on the face of”.

Signed by authority of the Secretary of State for Health

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

20th August 2001

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 (General Medical Services) Regulations 1992 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.

As a result of the transfer of certain functions of the Secretary of State in relation to Wales to the National Assembly for Wales, these amendments apply to England only.

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