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STATUTORY INSTRUMENTS

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**2009 No. 1165**

**The Medicines for Human Use (Prescribing)  
(Miscellaneous Amendments) Order 2009**

**Insertion of article 12F into the Prescription Only Medicines (Human Use) Order 1997**

4. After article 12E of the Prescription Only Medicines (Human Use) Order 1997 (exemption for health professionals who supply or administer prescription only medicines under a Patient Group Direction in order to assist the provision of health care by or on behalf of the police, the prison services or the armed forces)(<sup>1</sup>) insert the following article—

**“Exemption for the supply of prescription only medicines in the event or anticipation of pandemic disease**

**12F.** The restrictions imposed by section 58(2)(a) (restrictions on sale and supply) shall not apply to the supply of a prescription only medicine by an individual where that supply is—

- (a) made—
  - (i) whilst a disease is, or
  - (ii) in anticipation of a disease being imminently, pandemic and a serious risk, or potentially a serious risk, to human health; and
- (b) in accordance with a protocol which—
  - (i) is approved by—
    - (aa) the Ministers;
    - (bb) an NHS body (within the meaning of article 7A(4)(<sup>2</sup>)); or
    - (cc) the Health Protection Agency established under section 1 of the Health Protection Agency Act 2004(<sup>3</sup>); and
  - (ii) contains criteria as to—
    - (aa) symptoms of, and treatment for, that disease;
    - (bb) the recording of the name of the person who supplies the prescription only medicine to the person to be treated (or to a person acting on that person’s behalf) and of the evidence that the medicine was supplied to the person to be treated (or to a person acting on that person’s behalf).”.

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(1) Article 12E was inserted by [S.I.2003/696](#).  
(2) Article 7A was inserted by [S.I.2004/2693](#).  
(3) [2004 c.17](#).