



# Health and Social Care Act 2001

## 2001 CHAPTER 15

### PART 5

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Prescribing rights*

#### **63 Extension of prescribing rights**

- (1) The Medicines Act 1968 (c. 67) shall be amended as provided by subsections (2) to (7).
- (2) In subsection (1) of section 58 (medicinal products on prescription), after paragraph (d) there shall be inserted “, and
  - (e) other persons who are of such a description and comply with such conditions as may be specified in the order”.
- (3) After subsection (1) of that section there shall be inserted—
  - “(1A) The descriptions of persons which may be specified in an order by virtue of subsection (1)(e) are the following, or any sub-category of such a description—
    - (a) persons who are registered by any board established under the Professions Supplementary to Medicine Act 1960 (c. 66);
    - (b) persons who are pharmacists;
    - (c) persons whose names are entered in a roll or record established by the General Dental Council by virtue of section 45 of the Dentists Act 1984 (c. 24) (dental auxiliaries);
    - (d) persons who are registered in either of the registers of ophthalmic opticians kept under section 7(a) of the Opticians Act 1989 (c. 44);
    - (e) persons who are registered osteopaths within the meaning of the Osteopaths Act 1993 (c. 21);
    - (f) persons who are registered chiropractors within the meaning of the Chiropractors Act 1994 (c. 17);

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- (g) persons who are registered in any register established, continued or maintained under an Order in Council under section 60(1) of the Health Act 1999 (c. 8);
  - (h) any other description of persons which appears to the appropriate Ministers to be a description of persons whose profession is regulated by or under a provision of, or made under, an Act of the Scottish Parliament or Northern Ireland legislation and which the appropriate Ministers consider it appropriate to specify.
- (1B) Where an order under this section includes provision by virtue of subsection (1)(e), the order shall specify such conditions as are necessary to secure that any person who is an appropriate practitioner by virtue of the provision may prescribe, give directions or administer only in respect of human use.”
- (4) In subsection (4)(a) of that section, after “health visitor,” there shall be inserted “ or is an appropriate practitioner by virtue of provision made under subsection (1)(e) of this section, ”.
- (5) After subsection (4) of that section there shall be inserted—
- “(4A) An order under this section may provide, in relation to a person who is an appropriate practitioner by virtue of subsection (1)(d) or (e), that such a person may—
- (a) give a prescription for a medicinal product falling within a description or class specified in the order;
  - (b) administer any such medicinal product; or
  - (c) give directions for the administration of any such medicinal product, only where he complies with such conditions as may be specified in the order in respect of the cases or circumstances in which he may do so.
- (4B) An order under this section may provide, in relation to a condition specified by virtue of subsection (4A), for the condition to have effect subject to such exemptions as may be specified in the order.
- (4C) Where a condition is specified by virtue of subsection (4A), any prescription or direction given by a person in contravention of the condition is not (subject to such exemptions or modifications as may be specified in the order by virtue of subsection (4)(a) of this section) given by an appropriate practitioner for the purposes of subsection (2)(a) or (b) of this section.”
- (6) In subsection (5) of that section, after “subsection (4)(a)” there shall be inserted “ or (4B) ”.
- (7) In section 67 (offences under Part 2 of the Act)—
- (a) after subsection (1) there shall be inserted—
- “(1A) Any person who gives a prescription or directions or administers a medicinal product in contravention of a condition imposed by an order under section 58 of this Act by virtue of subsection (4A) of that section shall be guilty of an offence.
- (1B) Any person who—
- (a) is an appropriate practitioner by virtue of provision made under section 58(1) of this Act; and

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- (b) gives a prescription or directions in respect of a medicinal product of a description or class in relation to which he is not an appropriate practitioner,  
shall be guilty of an offence.”;
- (b) in subsection (4), after “under”, there shall be inserted “ subsection (1A), (1B),  
”.
- (8) Each of the powers to establish a committee conferred by subsection (2) or (3) of section 4 of the Medicines Act 1968 (c. 67) may, before the commencement of subsections (1) to (6) of this section, be exercised in relation to section 58 of that Act as if those subsections were in force.

#### Commencement Information

- II** S. 63 wholly in force at 1.4.2002; s. 63 not in force at Royal Assent, see s. 70(2); s. 63 in force for certain purposes at 6.3.2002 and wholly in force at 1.4.2002 by [S.I. 2002/1095](#), [art. 2\(1\)](#) (with transitional provisions in [arts. 3, 4](#)) (as amended (26.3.2002) by [S.I. 2002/1170](#), [art. 3](#))

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