

SCHEDULE 4

Amendments to and revocations of subordinate legislation

PART 2

Amendments relating to barring entries

Amendment of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004

22. In the Nursing and Midwifery Council (Fitness to Practise) Rules 2004(1), in rule 31 (evidence), after paragraph (3) insert the following paragraphs—

“(3A) Where it is alleged that a registrant has been included in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007) by the Independent Barring Board—

- (a) information provided by the Secretary of State under the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 that attests to that inclusion shall be conclusive proof of that inclusion, unless the registrant can prove that they are not the person referred to in the information provided; and
- (b) a document from the Board, authenticated in whatever way the Council may approve, that provides a statement of the findings of fact made by the Board that led to that inclusion shall be conclusive proof of the facts found proved by the Board.

(3B) Where it is alleged that the Scottish Ministers have included a registrant in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007)—

- (a) information provided by the Scottish Ministers under the Protection of Vulnerable Groups (Scotland) Act 2007 that attests to that inclusion shall be conclusive proof of that inclusion, unless the registrant can prove that they are not the person referred to in the information provided; and
- (b) a document from the Scottish Ministers, authenticated in whatever way the Council may approve, that provides a statement of the findings of fact made by the Scottish Ministers that led to that inclusion shall be conclusive proof of the facts found proved by the Scottish Ministers.”