

SCHEDULES

SCHEDULE 1

Section 1.

SUBSTITUTED SCHEDULE 1 TO THE 1979 ACT

“SCHEDULE 1

CONSTITUTION ETC. OF CENTRAL COUNCIL

Variation of membership

- 1 (1) If the Secretary of State approves a proposal submitted to him by the Council with respect to the number of its members, he shall by order amend section 1 as he thinks fit for the purpose of giving effect to the proposal.
- (2) The Secretary of State may not approve a proposal under this paragraph if the number proposed—
 - (a) is greater than 60, or
 - (b) is not a multiple of 3.

Variation of electoral scheme

- 2 (1) The Council may vary the electoral scheme with the approval of the Secretary of State.
- (2) The Secretary of State may not approve a variation under this paragraph if it would have the effect of making anyone other than a registered nurse, midwife or health visitor living or working in the United Kingdom eligible to be elected in an election held under the scheme.
- (3) The Secretary of State shall signify his approval of a variation under this paragraph by order.

Tenure of office of members and president etc.

- 3 (1) Appointment as a member of the Council shall be for a period prescribed by the Secretary of State by order.
- (2) The period prescribed by the Secretary of State for the purposes of subparagraph (1) above shall not be less than 3 nor more than 5 years.
- 4 (1) This paragraph applies where a person (“the former member”) ceases to be a member of the Council before the end of the period for which he was appointed.
- (2) The vacancy left by the former member shall be filled by a person appointed by the Secretary of State for the remainder of the period for which the former member was appointed.

Status: This is the original version (as it was originally enacted).

- (3) If the former member was an elected member, the Secretary of State shall appoint under sub-paragraph (2) above a person nominated by the Council who shall have the same qualification for election under the electoral scheme as the former member had at the time of his appointment.
 - (4) If the former member was not an elected member, the Secretary of State shall, in making an appointment under sub-paragraph (2) above, have regard to the qualification by virtue of which the former member was appointed.
 - (5) In sub-paragraphs (3) and (4) above, references to an elected member include a replacement for such a member.
- 5
- (1) Where a member of the Council or any of its committees is absent from meetings for more than 6 months consecutively or is disqualified from practising as a nurse, midwife or health visitor, the Council may by resolution declare that he has ceased to be a member.
 - (2) An elected member shall cease to be a member if he ceases to hold any qualification by virtue of which he was elected.
 - (3) A person appointed as a replacement for an elected member shall cease to be a member if he ceases to hold any qualification by virtue of which he was appointed.
- 6
- (1) If the president or vice-president ceases to be a member of the Council he shall also cease to be president or vice-president.

Procedure

- 7
- (1) The Council may act notwithstanding—
 - (a) any vacancy among its members, or
 - (b) that by reason of one or more vacancies, less than two-thirds of the members of the Council are elected members (or their replacements).
 - (2) At any meeting of the Council the quorum shall be 20 members including, in the case of each part of the United Kingdom, at least one member living or working in that part.
 - (3) The Council may constitute committees of itself for the purpose of transacting particular business of the Council.
 - (4) Persons who are not members of the Council may be appointed by it as members of such committees; but not more than one-third of the members of such a committee shall be persons appointed by virtue of this sub-paragraph.
 - (5) The Council may, by means of standing orders, regulate its own procedure, that of its standing committees and that of any committees constituted under sub-paragraph (3) above, and may, to such extent and in such cases as may be permitted or required by orders of the Secretary of State or by its rules and standing orders, act through those standing and other committees.
 - (6) No defect in the appointment of any member shall invalidate any proceedings of the Council or of its committees.

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Remuneration, allowances and pensions

- 8 (1) The Council may pay to its President such remuneration, and make such provision for the payment of pensions, allowances or gratuities to or in respect of him, as it thinks fit.
- (2) The Council may pay to its members and to other persons appointed to serve on its committees such travelling and other allowances as it thinks fit.

Documents

- 9 A document purporting to be duly executed under the seal of the Council or to be signed on its behalf shall be received in evidence and shall be deemed to be so executed or signed unless the contrary is proved.”

SCHEDULE 2

Section 16.

MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices) in the entry relating to the Chairman of any of the National Boards, for the words from “if” to the end there shall be substituted “or member of any of those Boards appointed at a salary”.
- 2 In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, in the entry relating to the chairman of the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland there shall be inserted at the end “or member of that Board appointed at a salary”.
- 3 In section 2(3) of the 1979 Act (duty of Central Council to make rules about training) after “kind” there shall be inserted “content”.
- 4 In section 6(1)(b) of that Act (duty of National Boards to ensure training courses meet Central Council’s requirements) after “their” there shall be inserted “kind”.
- 5 In section 16(2)(b) of that Act (duty of local supervising authority to report prima facie cases of misconduct by midwives) for “to the National Board for the part of the United Kingdom in which the authority acts” there shall be substituted “to the Council”.
- 6 In section 17(3) of that Act, for “Subsections (1) and (2) do” there shall be substituted “Subsection (1) does”.
- 7 In section 20(5) of that Act (duty to make annual report) there shall be inserted at the end “; and a report under this subsection shall, in the case of a report by any of the Boards, be in such form as the Secretary of State may require.”
- 8 (1) Section 23(1) of that Act (interpretation) shall be amended as follows.
- (2) In the definition of “elected members” for “section 5(4)(b)” there shall be substituted “section 1(3)”.
- (3) After that definition there shall be inserted—
- ““electoral scheme” means the scheme submitted and approved as set out in section 2 of the Nurses, Midwives and Health Visitors Act 1992 (with any variations under paragraph 2 of Schedule 1 to this Act);”.

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- 9 (1) Schedule 6 to that Act (adaptations for Northern Ireland and its National Board) shall be amended as follows.
- (2) In paragraph 1, for “7, 9, 17,” there shall be substituted “6”.
- (3) In paragraph 2, the Table shall be amended as follows—
- (a) in the first entry, in column 1, for “5(3), (4)(a), (5), (6) and (8)(a)” there shall be substituted “5(8)(e) and (f)”;
 - (b) in the second entry, in column 1, for “7, 9, 17(2),” there shall be substituted “6(1)(da),”;
 - (c) in the fourth entry, in column 1, for “Section” there shall be substituted “Sections 5(8)(e) and”;
 - (d) in the sixth entry, in column 1, for “20(5)” there shall be substituted “20(6)”.
- (4) After paragraph 2 there shall be inserted—
- “2A In section 5, for subsections (2) to (7) substitute—
- “(2) The National Board for Nursing, Midwifery and Health Visiting for Northern Ireland shall consist of—
- (a) a chairman appointed by the Head of the Department of Health and Social Services for Northern Ireland from among persons who are registered nurses, midwives or health visitors;
 - (b) such number of other members appointed by the Head of the Department of Health and Social Services for Northern Ireland as that Department may specify by order;
 - (c) the person for the time being appointed in pursuance of subsection (6)(a) to be the chief executive officer of the Board; and
 - (d) any person for the time being appointed in pursuance of subsection (6)(b) to an office under the Board which is specified for the purposes of this paragraph by the Department of Health and Social Services for Northern Ireland by order.
- (3) Appointments to the Board for the purposes of subsection (2)(b) shall be made from among persons who—
- (a) are registered nurses, midwives or health visitors, or
 - (b) have such qualifications and experience in education or other fields as, in the opinion of the Head of the Department of Health and Social Services for Northern Ireland, will be of value to the Board in the performance of its functions.
- (4) The powers conferred by this section shall be so exercised as to secure that a majority of the members of the Board are registered nurses, midwives or health visitors.
- (5) The Department of Health and Social Services for Northern Ireland may, with the consent of the Department of Finance and Personnel in Northern Ireland—
- (a) pay such remuneration as the Department of Health and Social Services for Northern Ireland thinks fit to any person who is a member of the Board by virtue of appointment by the Head of that Department, and

- (b) make such provision as the Department of Health and Social Services for Northern Ireland thinks fit for the payment to or in respect of any person who is a member of the Board by virtue of such appointment of pensions, allowances or gratuities.
- (6) The Board shall have—
- (a) a chief executive officer, and
- (b) such other officers as the Department of Health and Social Services for Northern Ireland may by order specify for the purposes of this paragraph,
- appointed by the Board.
- (7) The Department of Health and Social Services for Northern Ireland may by order make such further provision with respect to the constitution and administration of the Board as it thinks fit.”
- (5) In paragraph 3(a), for “7 or 9” there shall be substituted “5 or 6”.
- (6) In paragraph 4, in the inserted section 23(2)(c), for “7 or 9” there shall be substituted “5 or 6”.

SCHEDULE 3

Section 16.

REPEALS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1, in Part IV, the entry relating to the Chairman of the United Kingdom Central Council for Nursing, Midwifery and Health Visiting.
1979 c. 36.	The Nurses, Midwives and Health Visitors Act 1979.	In section 3(3), the words from “including” to the end. Section 4(3)(b). Section 6(1)(e). Sections 7 to 9. In section 17, subsection (2) and, in subsection (4), the words “or (2)”. In section 19, subsections (3)(a) and (4). In section 23(2), the words “Schedule 2, Part I.” In Schedule 2, paragraphs 1 to 4 and 6 to 8. In Schedule 6, in paragraph 1, the word “2”, in paragraph 2, in the Table, in the first entry, in column 1, the words “and Schedule 2, paragraph 3”, in the second entry, in column 1, the words

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		“and Schedule 2, paragraphs 6(5) and 7”, the third entry and the eighth entry.
