



Nurses, Midwives and Health Visitors Act 1997 (repealed)

1997 CHAPTER 24

Miscellaneous and general

21 Visiting EEA nurses and midwives.

- (1) In this Act “visiting EEA nurse” and “visiting EEA midwife” means a person who—
- is a national of any EEA State;
 - is lawfully practising in an EEA State other than the United Kingdom as a nurse responsible for general care or, as the case may be, as a midwife;
 - holds the appropriate diploma;
 - is temporarily in the United Kingdom as a visitor; and
 - provides the Council with the relevant documents.
- (2) Any person who—
- is not a national of an EEA State, but
 - is, by virtue of a right conferred by ^{M1}Article 11 of Council Regulation (EEC) No. 1612/68 or any other enforceable Community right, entitled to be treated, for the purposes of access to the nursing profession, or the profession of midwifery, no less favourably than a national of such a State,
- shall be treated for the purposes of subsection (1) as if he were such a national.
- (3) A visiting EEA nurse and a visiting EEA midwife shall provide the Council with the relevant documents before he provides any services as a nurse or midwife in the United Kingdom except that, in a case of sudden or urgent necessity, a nurse may provide the documents as soon as possible after he has provided his services as a nurse.

This subsection is without prejudice to section 16(2)(a).

- (4) For the purposes of this Act “the appropriate diploma” means a diploma, certificate or other evidence of formal qualifications which EEA States are required to recognise in the case of a nurse, by the Nursing Directive or, in the case of a midwife, by the Midwifery Directive.

Status: Point in time view as at 31/12/2003. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1997 (repealed), Section 21. (See end of Document for details)

(5) For the purposes of this Act “relevant documents”, in relation to any person means—

- (a) a written declaration stating—
 - (i) that he is intending to practise in the United Kingdom as a nurse responsible for general care or, as the case may be, as a midwife; and
 - (ii) the address of the place where and the period during which he intends so to practise; and
- (b) a certificate or certificates issued, not more than twelve months before the date on which the Council is provided with the relevant documents, by the competent authority of the EEA State in which he is practising as mentioned in subsection (1)(b) certifying—
 - (i) that he is lawfully practising as a nurse responsible for general care or, as the case may be, as a midwife in that State; and
 - (ii) that he holds an appropriate diploma.

(6) For the purposes of this Act—

“competent authority”, in relation to an EEA State, means the authority or body designated by that State as competent for the purposes of the Nursing Directive or, as the case may be, the Midwifery Directive;

“Nursing Directive” means ^{M2}Council Directive No. [77/452/EEC](#), concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care, as adapted, amended or extended by the Accession of Greece Act, ^{M3}Council Directive No. [81/1057/EEC](#), the Accession of Spain and Portugal Act, ^{M4}Council Directives Nos. [89/594/EEC](#), [89/595/EEC](#) and [90/658/EEC](#), the ^{M5}EEA Agreement and the Accession of Austria, Finland and Sweden Act; and

“Midwifery Directive” means ^{M6}Council Directive No. [80/154/EEC](#), concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications in midwifery, as adapted, amended or extended by ^{M7}Council Directive No. [80/1273/EEC](#), the Accession of Spain and Portugal Act, Council Directives Nos. [89/594/EEC](#) and [90/658/EEC](#), the EEA Agreement and the Accession of Austria, Finland and Sweden Act;

and “EEA Agreement”, “EEA State” and “national” shall be construed in accordance with section 8(8).

(7) For the purposes of this section—

“the Accession of Greece Act” means the ^{M8}Act annexed to the Treaty relating to the accession of the Hellenic Republic to the European Community signed at Athens on 28th May 1979;

“the Accession of Spain and Portugal Act” means the ^{M9}Act annexed to the Treaty relating to the accession of the Kingdom of Spain and the Portuguese Republic to the European Community signed at Madrid and Lisbon on 12th June 1985;

“the Accession of Austria, Finland and Sweden Act” means the ^{M10}Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union, signed at Corfu on 24th June 1994, as adjusted by the ^{M11}Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new member States to the European Union.

Status: Point in time view as at 31/12/2003. This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for the Nurses,
Midwives and Health Visitors Act 1997 (repealed), Section 21. (See end of Document for details)

Modifications etc. (not altering text)

- C1** Ss. 2-8, 14, 15, 20, 21: temp. amendment as to exercise of functions by S.I. 2002/253, art. 54, **Sch. 2** (with art. 3(18)) (coming into force in accordance with art. 1(3))
- C2** S. 21 modified (31.12.2003) by **The European Qualifications (Health Care Professions) Regulations 2003** (S.I. 2003/3148), regs. 1(1)(c), 2

Marginal Citations

- M1** O.J. No. L257.
M2 O.J. No. L176.
M3 O.J. No. L385.
M4 O.J. No. L341.
M5 O.J. No. L353.
M6 O.J. No. L33.
M7 O.J. No. L375.
M8 O.J. No. L291.
M9 O.J. No. L302.
M10 O.J. No. C241.
M11 O.J. No. L1.

Textual Amendments applied to the whole legislation

- F1** Act repealed (*prosp.*) 1999 c. 8, ss. 60(3), 65(2), 67(1), **Sch. 5**, the repeal being brought into force as follows: 11.5.2001, to the extent that s. 10(5) and Sch. 1 para. 7(4) ceased to have effect by S.I. 2001/1985, art. 2(2)(a); 1.4.2002, to the extent that ss. 1-8, 10, 11, 14, 15, 17-20, 22 (in part), 24 (in part), Schs. 1-3 and Sch. 4 paras. 1, 2 are repealed, by S.I. 2002/1167, arts. 3(a), 5 (with transitional provisions and savings in S.I. 2002/253, arts. 1(3), 54, **sch. 2** (with art. 3(18))) (coming into force in accordance with art. 1(3) of the said S.I. 2002/253)

Status:

Point in time view as at 31/12/2003. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1997 (repealed), Section 21.