

SCHEDULE 3

Article 40

[^{F1}DIRECTIVE 2005/36: FUNCTIONS OF THE COUNCIL UNDER ARTICLE 40(2)]**Textual Amendments**

F1 Sch. 3 substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), 172

<i>Provision of Directive</i>	<i>Function of Council</i>
Article 7(2)(b)	Issuing certificates containing attestations in relation to persons established in the United Kingdom as nurses responsible for general care or midwives.
Article 8(1)	Receiving information from, or providing information to, other competent authorities in relation to— <ul style="list-style-type: none"> (a) the legality of a person's establishment as a nurse responsible for general care or midwife; (b) the good conduct of such a person; (c) the absence of any disciplinary or criminal sanctions of a professional nature against such a person.
Article 8(2)	Receiving information from, or providing information to, other competent authorities in connection with the investigation of complaints made against persons providing services as a nurse responsible for general care or as a midwife.
Article 23(1)	Issuing certificates of effective and lawful practice in the United Kingdom to— <ul style="list-style-type: none"> (a) nurses responsible for general care; and (b) midwives.
Article 23(6)	Issuing certificates stating— <ul style="list-style-type: none"> (a) that UK nursing qualifications, which do not correspond to the titles set out in respect of the United Kingdom at point 5.2.2 of Annex V to the Directive, certify successful completion of nursing training that is in accordance with article 31 of the Directive (training of nurses responsible for general care) or that under article 22(a) of the Directive (part-time training) is to be treated as in accordance with article 31 of the Directive; (b) that UK midwifery qualifications, which do not correspond to the titles set out in respect of the United Kingdom at point 5.5.2 of Annex V to the Directive, certify successful completion of training in midwifery that is in accordance with article 40 of the Directive (training of midwives) or that under article 22(a) of the Directive is to be treated as in accordance with article 40 of the Directive.
Article 41	Issuing certificates of professional practice in the United Kingdom to midwives.

Status: Point in time view as at 18/01/2016.

Changes to legislation: There are currently no known outstanding effects for the The Nursing and Midwifery Order 2001, SCHEDULE 3. (See end of Document for details)

- Article 43(1) Issuing certificates of effective and lawful practice in the United Kingdom to midwives.
- Article 50(1) and paragraph 1(d) of Annex VII Issuing, in respect of practice as a nurse responsible for general care or as a midwife, the certificates of current professional status referred to in sub-paragraph (d) of paragraph 1 of Annex VII to the Directive within the time limits set by that sub-paragraph.
- Article 50(1) and paragraph 2 of Annex VII Issuing certificates stating that evidence of UK nursing qualifications or UK midwifery qualifications is that covered by the Directive.
- Article 50(2) In cases of justified doubts—
- (a) requiring confirmation of the authenticity of non-UK nursing qualifications or non-UK midwifery qualifications;
 - (b) requiring confirmation that holders of non-UK nursing qualifications or non-UK midwifery qualifications satisfy the minimum training conditions set out in article 31 or 40 of the Directive (as the case may be) or under article 22(a) of the Directive are to be treated as satisfying those conditions;
 - (c) providing confirmation to competent authorities of other relevant European States of the authenticity of any person's UK nursing qualifications or UK midwifery qualifications;
 - (d) providing confirmation that holders of UK nursing qualifications or UK midwifery qualifications satisfy the minimum training conditions set out in article 31 or 40 of the Directive (as the case may be) or under article 22(a) of the Directive are to be treated as satisfying those conditions.
- Article 50(3) In cases of justified doubts—
- (a) verifying information provided in connection with non-UK nursing qualifications or non-UK midwifery qualifications awarded following training in a relevant European State other than the State in which the qualification was awarded;
 - (b) providing information in connection with a person's UK nursing qualifications or UK midwifery qualifications awarded following training in another relevant European State.
- [^{F2}Article 53 Ensuring that any language controls imposed on a nurse or midwife are compliant with article 53 of the Directive.]
- Article 56(1) Ensuring the confidentiality of information exchanged with other competent authorities.

Article 56(2)

Receiving information from, or providing information to, other competent authorities regarding disciplinary action, criminal sanctions or other serious circumstances likely to have consequences for the practice of the professions of nurse responsible for general care or midwife.

Where such information is received by the Council—

- (a) examining the veracity of the circumstances;
- (b) deciding the nature and scope of any investigations that need to be carried out;
- (c) informing other competent authorities of the Council's conclusions.]

Textual Amendments

- F2** Words in Sch. 3 Table inserted (18.1.2016) by [The Health Care and Associated Professions \(Knowledge of English\) Order 2015 \(S.I. 2015/806\)](#), arts. 1(3), **42**; S.I. 2015/1451, **art. 4**

Status:

Point in time view as at 18/01/2016.

Changes to legislation:

There are currently no known outstanding effects for the The Nursing and Midwifery Order 2001, SCHEDULE 3.