



# Nurses, Midwives and Health Visitors Act 1979

## 1979 CHAPTER 36

An Act to establish a Central Council for Nursing, Midwifery and Health Visiting, and National Boards for the four parts of the United Kingdom; to make new provision with respect to the education, training, regulation and discipline of nurses, midwives and health visitors and the maintenance of a single professional register; to amend an Act relating to the Central Council for Education and Training in Social Work; and for purposes connected with those matters. [4th April 1979]

### Commencement Information

II Act partly in force at Royal Assent see [s. 24\(2\)](#); Act wholly in force 1 July 1983

### *The Central Council*

#### **1 Constitution of Central Council.**

- (1) There shall be a corporate body known as the United Kingdom Central Council for Nursing, Midwifery and Health Visiting.
- [<sup>F1</sup>(2) The Council shall consist of such number of members, not greater than 60, and a multiple of three, as is proposed and approved in accordance with section 2 of the Nurses, Midwives and Health Visitors Act 1992.
- (3) Two-thirds of the members of the Council shall be appointed by the Secretary of State on being elected under the electoral scheme (“elected members”).
- (4) Appointments otherwise than for the purposes of subsection (3) shall be made by the Secretary of State from among persons who—
  - (a) are registered nurses, midwives, health visitors or medical practitioners, or

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- (b) have such qualifications and experience in education or other fields as, in the opinion of the Secretary of State, will be of value to the Council in the performance of its functions.
- (5) In making appointments for the purposes of subsection (4), the Secretary of State shall have especially in mind—
  - (a) the need to secure that the members of the Council include registered nurses, midwives and health visitors and persons living or working in each part of the United Kingdom, and
  - (b) the need to secure that qualifications and experience in the teaching of nursing, midwifery and health visiting are adequately represented on the Council.
- (6) The Council shall have a president and a vice-president appointed by the Council from among its members.
- (7) Schedule 1 to this Act shall have effect with respect to the constitution and administration etc. of the Council.
- (8) For the purposes of subsection (3), a person appointed as a replacement for an elected member shall be treated as an elected member.]

#### Textual Amendments

- F1** S. 1(2)-(8) substituted (1. 4. 1993) for s. 1(2)-(7) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\), s. 1\(1\)](#); S.I. 1993/588, art.2

## 2 Functions of Council.

- (1) The principal functions of the Central Council shall be to establish and improve standards of training and professional conduct for nurses, midwives and health visitors.
- (2) The Council shall ensure that the standards of training they establish are such as to meet any Community obligation of the United Kingdom.
- (3) The Council shall by means of rules determine the conditions of a person's being admitted to training, and the kind [F2 content] and standard of training to be undertaken, with a view to registration.
- (4) The rules may also make provision with respect to the kind and standard of further training available to persons who are already registered.
- (5) The powers of the Council shall include that of providing, in such manner as it thinks fit, advice for nurses, midwives and health visitors on standards of professional conduct.
- (6) In the discharge of its functions the Council shall have proper regard for the interests of all groups within the professions, including those with minority representation.

#### Textual Amendments

- F2** Word in s. 2(3) inserted (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\), s. 16\(1\), Sch. 2 para.3](#); S.I. 1993/588, art.2

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### 3 Standing committees of Council

- (1) The Secretary of State shall by order constitute as standing committees of the Council a Midwifery Committee and a Finance Committee.
- (2) The Council shall consult the Finance Committee on all financial matters.
- (3) [<sup>F3</sup>If the Council (having regard to the duty imposed by section 2(6)) requests him to do so,]the Secretary of State may by order constitute other standing committees of the Council and (to the extent prescribed by the order) require the Council to consult them on, or empower them to discharge functions of the Council with respect to, other matters [<sup>F4</sup> . . .
  - <sup>F4</sup>(a) . . . . .
  - <sup>F4</sup>(b) . . . . .
  - <sup>F4</sup>(c) . . . . .
  - <sup>F4</sup>(d) . . . . .
- (4) An order constituting a standing committee of the Council—
  - (a) may provide for persons who are not members of the Council to be appointed as members of that committee; and
  - (b) shall provide for a majority on the committee to be persons who work or have worked in the professional field with which it is primarily concerned.

#### Textual Amendments

- F3** Words in s. 3(3) inserted (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\), s. 3\(a\)](#); [S.I. 1993/588, art.2](#)
- F4** Words in s. 3(3) repealed (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\), ss. 3\(b\), 16\(2\), Sch.3](#); [S.I. 1993/588, art.2](#)

### 4 The Midwifery Committee.

- (1) Of the members of the Council's Midwifery Committee the majority shall be practising midwives.
- (2) The Council shall consult the Committee on all matters relating to midwifery and the Committee shall, on behalf of the Council, discharge such of the Council's functions as are assigned to them either by the Council or by the Secretary of State by order.
- (3) The Council shall assign to the Committee any matter involving a proposal to make, amend or revoke rules under section 15 below; and—
  - (a) the Committee shall consider the proposal and report on it to the Council;
  - <sup>F5</sup>(b) . . . . .
- (4) The Secretary of State shall not approve rules relating to midwifery practice unless satisfied that they are framed in accordance with recommendations of the Council's Midwifery Committee.
- (5) Any matter which is assigned to the Midwifery Committee otherwise than under subsection (3) shall be finally dealt with by the Committee on behalf of the Council, so far as the Council expressly authorise the Committee to deal finally with it; and

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the Committee shall make a report to the Council as to the way in which they have dealt with the matter.

#### Textual Amendments

**F5** S. 4(3)(b) repealed (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), ss. 10, 16(2), Sch. 3; S.I. 1993/588, art.2

### *The National Boards and their relationship to the Central Council*

## 5 Constitution of National Boards.

(1) England, Wales, Scotland and Northern Ireland shall each have a National Board for Nursing, Midwifery and Health Visiting, and the Boards shall be corporate bodies.

[<sup>F6</sup>(2) A National Board shall consist of—

- (a) a chairman appointed by the Secretary of State from among persons who are registered nurses, midwives or health visitors,
- (b) such number of other members appointed by the Secretary of State as he 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 Secretary of State by order.

(3) Appointments to a National 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 Secretary of State, will be of value to the Board in the performance of its functions.

(4) The Secretary of State shall so exercise his powers under this section as to secure in relation to a National Board that a majority of the members of the Board are registered nurses, midwives or health visitors.

(5) The Secretary of State may, with the consent of the Treasury—

- (a) pay such remuneration as he thinks fit to any person who is a member of a National Board by virtue of appointment by the Secretary of State, and
- (b) make such provision as he thinks fit for the payment to or in respect of any such person of pensions, allowances or gratuities.

(6) A National Board shall have—

- (a) a chief executive officer, and
- (b) such other officers as the Secretary of State may by order specify for the purposes of this paragraph,

appointed by the Board.

(7) The Secretary of State may by order make such further provision with respect to the constitution and administration of a National Board as he thinks fit.

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- (8) Without prejudice to the generality of subsection (7), provision under that subsection may include—
- (a) provision with respect to qualification for membership;
  - (b) provision for the appointment of a deputy chairman and with respect to his powers;
  - (c) provision with respect to tenure of office of chairman, deputy chairman and other members;
  - (d) provision with respect to the appointment of officers;
  - (e) provision requiring payments to employees to be such as the Secretary of State may, with the consent of the Treasury, approve;
  - (f) provision requiring powers with respect to the employment of staff to be exercised in accordance with written directions of the Secretary of State;
  - (g) provision with respect to procedure, including the constitution of committees;
  - (h) provision authorising the appointment of persons who are not Board members to committees of the Board.
- (9) Orders under subsection (7) may include provision with respect to proof of documents.
- (10) Orders under this section may make different provision in relation to different Boards.]

#### Textual Amendments

- F6** S. 5(2)-(10) substituted (1. 4. 1993 except so far as the substitution consists of the addition in s. 5(8) of a new para. (e) and the removal of s. 5(9) for certain purposes, as to which it remains prosp.) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s.4; S.I. 1993/588, art.2

## 6 Functions of Boards.

- (1) The National Boards shall in England, Wales, Scotland and Northern Ireland respectively—
- (a) [<sup>F7</sup>approve institutions in relation to the provision of]—
    - (i) courses of training with a view to enabling persons to qualify for registration as nurses, midwives or health visitors or for the recording of additional qualifications in the register; and
    - (ii) courses of further training for those already registered;
  - (b) ensure that such courses meet the requirements of the Central Council as to their [<sup>F8</sup>kind,]content and standard;
  - (c) hold, or arrange for others to hold, such examinations as are necessary to enable persons to satisfy requirements for registration or to obtain additional qualifications;
  - (d) collaborate with the Council in the promotion of improved training methods; and [<sup>F9</sup>(da) perform such other functions relating to nurses, midwives or health visitors as the Secretary of State may by order prescribe.]
- <sup>F10</sup>(e) .....
- (2) The National Boards shall discharge their functions subject to and in accordance with any applicable rules of the Council and shall [<sup>F11</sup>take account of any difference in the considerations applying to the different professions.]

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**Textual Amendments**

- F7** Words in s. 6(1)(a) substituted (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 5(2); S.I. 1993/588, art.2
- F8** Word in s. 6(1)(b) inserted (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 16(1), Sch. 2 para.4; S.I. 1993/588, art.2
- F9** S. 6(1)(da) inserted (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 5(3); S.I. 1993/588, art.2
- F10** S. 6(1)(e) repealed (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), ss. 5(4), 16(2), Sch. 3; S.I. 1993/588, art.2
- F11** Words in s. 6(2) substituted (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 5(5); S.I. 1993/588, art.2

**F12**<sup>7</sup> .....

**Textual Amendments**

- F12** S. 7 repealed (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), ss. 6(a), 16(2), Sch.3; S.I. 1993/588, art.2

**F13**<sup>8</sup> .....

**Textual Amendments**

- F13** S. 8 repealed (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), ss. 6(b), 16(2), Sch. 3; S.I. 1993/588, art.2

**F14**<sup>9</sup> .....

**Textual Amendments**

- F14** S. 9 repealed (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), ss. 6(c), 16(2), Sch. 3; S.I. 1993/588, art.2

*Registration*

**10 The professional register.**

- (1) The Central Council shall prepare and maintain a register of qualified nurses, midwives and health visitors.
- (2) The register shall be divided into such parts as the Secretary of State may by order determine, the parts being indicative of different qualifications and different kinds and standards of training; and in this Act references to parts of the register are to the parts so determined.

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- (3) The Council may by rules make provision—
  - (a) as to the documentary and other evidence to be produced, and the fees to be paid, by those applying for registration or for additional qualifications to be recorded, or for any entry in the register to be altered or restored;
  - (b) as to the keeping of the register and the means of obtaining access to, and copies of extracts from it;
  - (c) for a person's registration to remain effective without limitation of time (subject to removal from the register for misconduct or otherwise) or to lapse after a specified period or in specified cases, or to be subject to renewal as and when provided by the rules.
- (4) The Secretary of State may by order provide—
  - (a) for persons to be registered in one or more parts of the register by virtue of having been included in one or more of the registers, rolls or lists maintained under enactments repealed by this Act, or having been certified under any of those enactments;
  - (b) for a specified part of the register to be closed, as from a date specified by the order, so that on or after that date no further persons can become registered in that part;
  - (c) for a specified part of the register to be sub-divided into two or more parts, or for two or more parts to be combined into one.
- (5) The Secretary of State shall consult the Central Council before making, varying or revoking any order under this section.
- (6) A certificate issued and duly authenticated by the Council stating that a person is, or was at any date, or is not, or was not at any date, registered shall be evidence in all courts of law of the fact stated in the certificate.
- (7) In any enactment or instrument (past or future, and including this Act)  
“registered”, in relation to nurses, midwives and health visitors, means registered in the register maintained under this section by virtue of qualifications in nursing, midwifery or health visiting, as the case may be.
- (8) Orders under subsection (2) may, by reference to the part or parts in which a person is registered, prescribe the more advanced qualifications which he must have in order to be treated as a qualified nurse for the purposes of any particular enactment or instrument.

## **11 Admission to register.**

- (1) A person seeking admission to a part of the register must make application to the Central Council in accordance with the Council's rules.
- (2) Subject to subsection (4) below, the applicant shall be registered in that part (on payment of such fee as may be required by the rules) if he satisfies the Council that he is of good character and has the appropriate professional qualifications.
- (3) He is to be regarded as having those qualifications if—
  - (a) he has in the United Kingdom undergone the training, and passed the examinations, required by the Council's rules for admission to that part of the register; or

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- (b) being a national of [<sup>F15</sup>any EEA State], he has professional qualifications, obtained in [<sup>F15</sup>an EEA State] other than the United Kingdom, which the Secretary of State has by order designated as having Community equivalence for purposes of registration in that part; or
- (c) he has, elsewhere than in the United Kingdom, undergone training in nursing, midwifery or health visiting (as the case may be) and either—
  - (i) that training is recognised by the Central Council as being to a standard sufficient for registration in that part; or
  - (ii) it is not so recognised, but the applicant has undergone in the United Kingdom or elsewhere such additional training as the Council may require.

[<sup>F16</sup>(3A) An order under subsection (3)(b) may provide that a professional qualification designated by the order is to be regarded as having Community equivalence for the purposes of registration in a part of the register only if prescribed conditions [<sup>F17</sup>required by a directive issued by the Council of the European Communities] are fulfilled; and different conditions may be prescribed with respect to the same qualification for different circumstances.]

[<sup>F18</sup>(3B) Any person who—

- (a) is not a national of an EEA State, but
- (b) is, by virtue of a right conferred by Article 11 of Council Regulation (EEC) No. 1612/68<sup>M1</sup> 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 (3)(b) above as if he were such a national.]

- (4) In the case of an applicant within subsection (3) . . . <sup>F19</sup>(c), the rules may either—
  - (a) make it an additional condition of his being registered that he has the necessary knowledge of English; or
  - (b) require him to have that knowledge within a period specified by the rules (failing which his registration will lapse at the end of the period).

[<sup>F20</sup>(4A) In any case where—

- (a) an application for admission to a part of the register is made by an applicant within subsection (3)(b), and
- (b) the Council has received all the documentary evidence as to his character and qualifications required to enable him to be registered,

he shall be registered in that part within 3 months of the date on which the Council was in receipt of that evidence [<sup>F21</sup>or such longer period as may be permitted in his case by Article 10 of the Nursing Directive or Article 11 of the Midwifery Directive].]

[<sup>F22</sup>(5) In this Act—

“the EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 <sup>M2</sup> as adjusted by the Protocol signed at Brussels on 17th March 1993 <sup>M3</sup>;

“EEA State” means a Contracting Party to the EEA Agreement;

“national”, in relation to an EEA State, means the same as it does for the purposes of the Community Treaties.]



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#### Textual Amendments

- F15** Words in s. 11(3)(b) substituted (31.12.1996) by S.I. 1996/3101, **reg. 2(1)**
- F16** S. 11(3A) inserted by S.I. 1983/884, **art. 3(a)**
- F17** Words inserted by S.I. 1984/1975 art. 2
- F18** S. 11(3B) inserted (31.12.1996) by S.I. 1996/3101, **reg. 2(2)**
- F19** Words repealed by S.I. 1981/432, **art. 2(1)(f)**
- F20** S. 11(4A) inserted by S.I. 1983/884, **art. 3(b)**
- F21** Words in s. 11(4A) inserted (31.12.1996) by S.I. 1996/3101, **reg. 2(3)**
- F22** S. 11(5) substituted (31.12.1996) by S.I. 1996/3101, **reg. 2(4)**

#### Marginal Citations

- M1** O.J. No. L257, 19.10.68, p. 1 (amended by Council Regulation (EEC) No. 312/76 O.J. No. L39, 14.2.76, p. 2).
- M2** Cm 2073 and O.J. No. L1, 3.1.1994, p. 3.
- M3** Cm 2183 and O.J. No. L1, 3.1.1994, p. 572.

### [<sup>F23</sup>11A Deemed registration of visiting EEC nurses and midwives.

- (1) A visiting [<sup>F24</sup>EEA nurse] may practice as a nurse responsible for general care during the period specified in his relevant documents in pursuance of section 22B(4)(a)(ii), and while he is so practising he shall be deemed to be registered as a nurse responsible for general care.
- (2) A visiting [<sup>F24</sup>EEA midwife] shall be deemed to be registered as a midwife during the period specified in her relevant documents in pursuance of section 22B(4)(a)(ii).]

#### Textual Amendments

- F23** S. 11A inserted by S.I. 1983/884, **art. 4**
- F24** Words in s. 11A substituted (31.12.1996) by S.I. 1996/3101, **reg. 4(1)**

### 12 Removed from, and restoration to, register.

- (1) The Central Council shall by rules determine circumstances in which, and the means by which—
- (a) a person may, for misconduct or otherwise, be removed from the register or a part of it, whether or not for a specified period;
- (b) a person who has been removed from the register or a part of it may be restored to it;
- [<sup>F25</sup>(ba) a person's registration in the register or a part of it may be directed to be suspended, that is to say, not to have effect during such period as may be specified in the direction;
- (bb) the suspension of a person's registration in the register or a part of it may be terminated; and]
- (c) an entry in the register may be removed, altered or restored.
- (2) Committees of the Council shall be constituted by the rules to [<sup>F26</sup>deal with] proceedings for a person's removal from, or restoration to, the register [<sup>F27</sup>, for

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the suspension, or termination of the suspension, of a person's registration in the register] or for the removal, alteration or restoration of any entry.

- [<sup>F28</sup>(2A) The Council may bring proceedings before a committee constituted in pursuance of subsection (2) in respect of a visiting [<sup>F29</sup>EEA nurse] or midwife for the purpose of determining whether by reason of his misconduct or otherwise the provisions of this Act (except this section) relating to visiting [<sup>F29</sup>EEA nurses] or midwives should cease to apply to him; and the provisions of this section and of rules made under this section shall apply, with any necessary modifications, in relation to any such proceedings as they apply in relation to proceedings relating to a person's removal from the register.
- (2B) In any case where it is determined that those provisions should cease to apply to any person he shall thereupon cease to be a visiting [<sup>F29</sup>EEA nurse] or, as the case may be, a visiting [<sup>F29</sup>EEA midwife] for the purposes of this Act and accordingly shall also cease to be deemed to be registered; and he shall not be entitled to be treated as such a nurse or midwife before the expiry of such period (if any) as may be specified in the determination, or if no such period is specified, without the written consent of the Council.]
- (3) [<sup>F30</sup>The committees need not be constituted exclusively from members of the Council, but the rules shall provide, in relation to committees constituted by them, that there shall only be a quorum if a majority of those present are members of the Council.][<sup>F31</sup>(3A)]the rules shall so provide that the members of a committee constituted to adjudicate upon the conduct of any person are selected with due regard to the professional field in which that person works.
- (4) The rules shall make provision as to the procedure to be followed, and the rules of evidence to be observed, in such proceedings, whether before the Council itself or before any committee so constituted, and for the proceedings to be in public except in such cases (if any) as the rules may specify.
- (5) Schedule 3 to this Act has effect with respect to the conduct of proceedings to which this section applies.
- [<sup>F32</sup>(6) Where a person's registration in the register or a part of it is suspended under subsection (1)(ba), he shall be treated as not being registered in the register or part notwithstanding that his name still appears in it.]

#### Textual Amendments

- F25** S. 12(1)(ba)(bb) substituted (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\), s. 7\(2\)](#); S.I. 1993/588, [art. 2](#)
- F26** Words in s. 12(2) substituted (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\), s. 8\(2\)](#); S.I. 1993/588, [art. 2](#)
- F27** Words in s. 12(2) inserted (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\), s. 7\(3\)](#); S.I. 1993/588, [art. 2](#)
- F28** S. 12(2A)(2B) inserted by S.I. 1983/884, [art. 5\(1\)](#)
- F29** Words in s. 12(2A)(2B) substituted (31.12.1996) by S.I. 1996/3101, [reg. 4\(2\)](#)
- F30** Words in s. 12(3) substituted (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\), s. 8\(3\)\(a\)](#); S.I. 1993/588, [art. 2](#)
- F31** S. 12(3A): words in s. 12(3) renumbered subsection (3A) (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\), s. 8\(3\)\(b\)](#); S.I. 1993/588, [art. 2](#)
- F32** S. 12(6) inserted (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\), s. 7\(4\)](#); S.I. 1993/588, [art. 2](#)

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### **[<sup>F33</sup>12A Cautions.**

- (1) Without prejudice to the generality of section 12, rules under that section may make provision with respect to the giving, in the course of disciplinary proceedings, of cautions as to future conduct.
- (2) Rules under section 12 may also make provision with respect to the keeping by the Council of a record of any caution as to future conduct given in the course of disciplinary proceedings.
- (3) For the purposes of this section, “disciplinary proceedings” means proceedings for removal from the register or a part of it for misconduct.]

#### **Textual Amendments**

**F33** S. 12A inserted (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\), s.9](#); S.I. 1993/588, [art.2](#)

### **13 Appeals.**

- (1) A person aggrieved by a decision to remove him from the register [<sup>F34</sup>, or to direct that his registration in the register be suspended,], or to remove or alter any entry in respect of him [<sup>F35</sup> or by any decision under section 12(2A) or (2B)], may, within 3 months after the date on which notice of the decision is given to him by the Council, appeal to the appropriate court; and on the appeal—
  - (a) the court may give such directions in the matter as it thinks proper, including directions as to the costs of the appeal; and
  - (b) the order of the court shall be final.
- (2) The appropriate court for the purposes of this section is the High Court, the Court of Session or the High Court in Northern Ireland, according as the appellant’s ordinary place of residence is in England and Wales, Scotland or Northern Ireland at the time when notice of the decision is given.

#### **Textual Amendments**

**F34** Words in s. 13(1) inserted (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\), s. 7\(5\)](#); S.I. 1993/588, [art.2](#)

**F35** Words inserted by [S.I. 1983/884, art. 5\(2\)](#)

### **14 False claim of professional qualification.**

- (1) A person commits an offence if, with intent to deceive (whether by words or in writing or by the assumption of any name or description, or by the wearing of any uniform or badge or by any other kind of conduct)—
  - (a) he falsely represents himself to possess qualifications in nursing, midwifery or health visiting; or
  - (b) he falsely represents himself to be registered in the register, or in a particular part of it.

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- (2) A person commits an offence if—
- (a) with intent that any person shall be deceived, he causes or permits another person to make any representation about himself which, if made by himself with intent to deceive would be an offence in him under subsection (1); or
  - (b) with intent to deceive, makes with regard to another person any representation which—
    - (i) is false to his own knowledge, and
    - (ii) if made by the other with that intent would be an offence in the other under that subsection.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to a fine of not more than [<sup>F36</sup>level 4 on the standard scale]

#### Textual Amendments

**F36** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#), (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#) and (N.I.) by [S.I. 1984/703, \(N.I. 3\) art. 5](#)

#### *Miscellaneous provisions about midwifery*

### 15 Rules as to midwifery practice.

- (1) The Council shall make rules regulating the practice of midwives and these rules may in particular—
- (a) determine the circumstances in which, and the procedure by means of which, midwives may be suspended from practice;
  - (b) require midwives to give notice of their intention to practise to the local supervising authority for the area in which they intend to practise; and
  - (c) require registered midwives to attend courses of instruction in accordance with the rules.
- (2) If rules are made requiring midwives to give the notice referred to in subsection (1) (b), it is then the duty of the local supervising authority to inform the [<sup>F37</sup>Council] of any notices given to them in compliance with the rules.

#### Textual Amendments

**F37** Word in [s. 15\(2\)](#) substituted (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\), s.11; S.I. 1993/588, art.2](#)

### 16 Local supervision of midwifery practice.

- (1) The following bodies shall be local supervising authorities for midwives—
- [<sup>F38</sup>(a) in England and Wales, Health Authorities;]
  - (c) in Scotland, Health Boards; and
  - (d) in Northern Ireland, Health and Social Services Boards.
- (2) Each local supervising authority shall—

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- (a) exercise general supervision, in accordance with rules under section 15, over all midwives practising within its area;
  - (b) report any prima facie case of misconduct on the part of a midwife which arises in its area [<sup>F39</sup>to the Council];
  - (c) have power in accordance with the Council's rules to suspend a midwife from practice.
- (3) The Council may by rules prescribe the qualifications of persons who may be appointed by a local supervising authority to exercise supervision over midwives within its area, and no person shall be so appointed who is not qualified in accordance with the rules.
- (4) The National Boards are responsible for providing the authorities with advice and guidance in respect of their functions under this section.
- [<sup>F40</sup>(5) The Council may by rules prescribe standards to be observed with respect to advice and guidance provided under subsection (4)]

#### Textual Amendments

- F38** S. 16(a) substituted for s. 16(a)(b) (1.4.1996) by 1995 c. 17, ss. 2(1), 4(2), **Sch. 1 Pt. III para. 104** (with **Sch. 2 paras. 6, 16**)
- F39** Words in s. 16(2)(b) substituted (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\), s. 16\(1\)](#), **Sch. 2 para. 5**; S.I. 1993/588, **art. 2**
- F40** S. 16(5) inserted (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\), s. 12](#); S.I. 1993/588, **art. 2**

## 17 Attendance by unqualified persons at childbirth.

- (1) A person other than a registered midwife of a registered medical practitioner shall not attend a woman in childbirth.
- [<sup>F41</sup>(2) Until the day appointed by the Secretary of State by an order under paragraph 3(1) of Schedule 4 to the Sex Discrimination Act 1975, a man who is a registered midwife shall not attend a woman in childbirth except in a place approved in writing by or on behalf of the Secretary of State.]
- (3) [<sup>F42</sup>Subsection (1) does] not apply—
- (a) where the attention is given in a case of sudden or urgent necessity; or
  - (b) in the case of a person who, while undergoing training with a view to becoming a medical practitioner or to becoming a midwife, attends a woman in childbirth as part of a course of practical instruction in midwifery recognised by the General Medical Council or one of the National Boards.
- (4) A person who contravenes subsection (1)[<sup>F43</sup>or (2)] shall be liable on summary conviction to a fine of not more than [<sup>F44</sup>level 4 on the standard scale]

#### Textual Amendments

- F41** S. 17(2) repealed (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 c. 16, ss. 16\(2\), Sch.3](#); S.I. 1993/588, **art.2**

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*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

- F42** Words in s. 17(3) substituted (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 16(1), **Sch. 2 para. 6**; S.I. 1993/588, **art.2**
- F43** Words in s. 17(4) repealed (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), ss. 16(2), **Sch.3**; S.I. 1993/588, **art.3**
- F44** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46, (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. **289G** and (N.I.) by S.I. 1984/703, (N.I. 3), art. 5

## [<sup>F45</sup>18 **Jury service in Scotland.**

Practising midwives shall be exempt from serving on any jury in Scotland.]

### Textual Amendments

- F45** S. 18 repealed (S.) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55, SIF 72:2), s. 28(2), **Sch. 3**

### *Financial provisions*

## 19 **Finances of Council and Boards.**

- (1) The Central Council and the National Boards may each charge such fees, in respect of such matters, as are determined by them respectively with the approval of the Secretary of State, including fees in connection with the training, qualification, examination and certification of nurses, midwives and health visitors.
- (2) Subject to this section, fees received by the Council and Boards shall be applied to defray the expenses of the Council and Boards respectively.
- (3) The Secretary of State may make grants to the Council and the Boards towards expenses incurred, or to be incurred, by them with the approval of the Secretary of State in connection with—
  - <sup>F46</sup>(a) .....
  - (b) the promotion by the Council and Boards of improvements in the education and training of nurses, midwives and health visitors;
  - (c) the performance by the National Boards of their duties under paragraphs (a) and (b) of section 6(1) above. [<sup>F47</sup>(d) the coming into force (whether in whole or part) of any provision of the Nurses, Midwives and Health Visitors Act 1992.]
- <sup>F48</sup>(4) .....
- (5) Any sums required by the Secretary of State for making grants under subsection (3) shall be paid out of money provided by Parliament.

### Textual Amendments

- F46** S. 19(3)(a) repealed (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), ss. 13(2) (a), 16(2), **Sch. 3**; S.I. 1993/588, **art. 2**
- F47** S. 19(3)(d) inserted (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. **13(2)(b)**; S.I. 1993/588, **art.2**

*Status: Point in time view as at 31/12/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

**F48** s. 19(4) repealed (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), ss. 13(3), 16(2), **Sch. 3**; S.I. 1993/588, **art.2**

## 20 Accounts of Council and Boards.

- (1) The Central Council and each of the National Boards shall—
  - (a) keep proper accounts, and such records in relation to the accounts, as the Secretary of State may direct; and
  - (b) in respect of each financial year, prepare a statement of accounts in such form as the Secretary of State may with the approval of the Treasury direct.
- (2) The accounts of the Council and of each of the Boards shall be audited in such manner and by such persons <sup>F49</sup> . . . as the Secretary of State may direct; and copies of the statements of account, together with the auditors' reports, shall be sent to the Secretary of State who shall send them to the Comptroller and Auditor General not later than 30th November in the year following that for which the accounts are made up.
- <sup>F50</sup>(2A) A person shall not be appointed as auditor under subsection (2) unless he is eligible for appointment as a company auditor under section 25 of the Companies Act 1989<sup>F51</sup> or, in the case of the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland, Article 28 of the Companies (Northern Ireland) Order 1990.]
- (3) The Comptroller and Auditor General shall examine the statements of account and auditors' reports, certify the statements and prepare a report on the results of his examination.
- (4) For the purposes of his examination, the Comptroller and Auditor General may inspect the accounts of the Council and Boards and any records relating to them.
- (5) The Council and each of the Boards shall annually, within such time as may be limited by the Secretary of State, submit a report to him on the performance of their respective functions during the period since their last such report <sup>F52</sup>; 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.]
- (6) The Secretary of State shall lay before each House of Parliament—
  - (a) copies of the statements of account certified by the Comptroller and Auditor General, and the auditors' reports in respect of the Council and each of the Boards, together with copies of the report made by the Comptroller and Auditor General under subsection (3); and
  - (b) copies of the reports submitted by the Council and each of the Boards under subsection (5).

### Textual Amendments

- F49** Words in s. 20(2) deleted (1.10.1991) by S.I. 1991/1997, reg. 2, **Sch. para. 32(a)**
- F50** S. 20(2A) inserted (1.10.1991) by S.I. 1991/1997, reg. 2, **Sch. para. 32(b)**
- F51** Words in s. 20(2A) inserted (29. 3. 1993) by S.R. 1993/67, regs. 1, 2, **Sch. para. 8(a)**
- F52** Words in s. 20(5) inserted (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 16(1), **Sch. 2 para.7**; S.I. 1993/588, **art.2**

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### *Miscellaneous and general*

## **21 Dissolution of existing bodies, etc.**

- (1) The following bodies are dissolved by virtue of this subsection—  
the General Nursing Council for England and Wales;  
the General Nursing Council for Scotland;  
the Central Midwives Board;  
the Central Midwives Board for Scotland;  
the Northern Ireland Council for Nurses and Midwives; and  
the Council for the Education and Training of Health Visitors;  
<sup>F53</sup>and the <sup>M4</sup>Health Visiting and Social Work (Training) Act 1962 (which established the last-mentioned Council and also another body not dissolved by this Act) has effect accordingly.]
- (2) All those persons who at the passing of this Act hold office as members of—  
the General Nursing Council for England and Wales;  
the General Nursing Council for Scotland; or  
the Northern Ireland Council for Nurses and Midwives,  
shall continue in that office until the Council's dissolution.
- (3) Part I of Schedule 5 to this Act has effect in connection with the transfer to the Central Council and the National Boards of the staff, property, rights and liabilities of the bodies mentioned in subsection (1); and Part II of that Schedule has effect with respect to the disposal of disciplinary proceedings begun before subsection (1) comes into force.
- <sup>F54</sup>(4) ..... <sup>F55</sup>; and accordingly the <sup>M5</sup>Central Council for Education and Training in Social Work Order 1977 is revoked so far as it extends the functions of that Council to include social work required in services provided under the enactments specified in the Order.]

#### **Textual Amendments**

- F53** Words repealed (E.W.S.) by [Health and Social Services and Social Security Adjudications Act 1983](#) (c. 41, SIF 113:3), s. 30, **Sch. 10 Pt. I**
- F54** S. 21(4) repealed (E.W.S.) by [Health and Social Services and Social Security Adjudications Act 1983](#) (c. 41, SIF 113:3), s. 30, **Sch. 10 Pt. I**
- F55** Words amend [Health Visiting and Social Work \(Training\) Act 1962](#) (c. 33), s. 3(1)(a)

#### **Marginal Citations**

- M4** 1962 c. 33.
- M5** S.I. 1977/1240.

## **22 Central Council rules.**

- (1) The Council may make rules for the purpose of giving effect to this Act, and in particular with respect to anything which by this Act is required or authorised to be determined by rules.



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- (2) Rules under this Act may make different provision in relation to England, Wales, Scotland and Northern Ireland respectively.
- (3) Before making any rules under this Act, the Council shall consult—
  - (a) representatives of any group of persons who appear likely to be affected by the proposed rules; and
  - (b) the National Boards for the parts of the United Kingdom to which the proposed rules are to extend.

[<sup>F56</sup>(3A) Subsection (3)(b) shall not require the Council to consult a National Board if the proposed rules do not appear to the Council to be relevant to the Board's functions.]

- (4) Rules under section 12 shall not come into force until approved by order by the Lord Chancellor and, in the case of rules which apply to proceedings in Scotland, the Lord Advocate; otherwise, rules come into force only when approved by the Secretary of State by order.

#### Textual Amendments

**F56** S. 22(3A) inserted (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\), s.14; S.I. 1993/588, art.2](#)

#### [<sup>F57</sup>22A Community documents.

A registered nurse or midwife who—

- (a) wishes to practice as a nurse or midwife in any [<sup>F58</sup>EEA State]], and
- (b) requires for that purpose any such documentary evidence relating to his qualification as is referred to in the Nursing Directive or, as the case may be, the Midwifery Directive

may apply to the Council for, and the Council shall provide, the necessary documents.

#### Textual Amendments

**F57** Ss. 22A, 22B inserted by [S.I. 1983/884, art. 6](#)

**F58** Words in s. 22A(a) substituted (31.12.1996) by [S.I. 1996/3101, reg. 4\(3\)](#)

#### 22B Visiting EEC nurses and midwives.

- (1) In this Act “visiting [<sup>F59</sup>EEA nurse]” and “visiting [<sup>F59</sup>EEA midwife]” means a person who—
  - (a) is a national of [<sup>F60</sup>any EEA State], and
  - (b) is lawfully practising in [<sup>F60</sup>an EEA State] other than the United Kingdom as a nurse responsible for general care or, as the case may be, as a midwife, and
  - (c) holds the appropriate diploma, and
  - (d) is temporarily in the United Kingdom as a visitor, and
  - (e) provides the Council with the relevant documents.

[<sup>F61</sup>(1A) Any person who—

- (a) is not a national of an EEA State, but

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- (b) is, by virtue of a right conferred by 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) above as if he were such a national.]

- (2) A visiting [<sup>F62</sup>EEA nurse] and a visiting [<sup>F62</sup>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 17(3)(a).

- (3) For the purposes of this Act “the appropriate diploma” means a diploma, certificate or other evidence of formal qualifications which [<sup>F63</sup>EEA States] are required to recognize in the case of a nurse, by the Nursing Directive or, in the case of a midwife, by the Midwifery Directive.

- (4) 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 [<sup>F63</sup>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.

- [<sup>F64</sup>(5) 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 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, Council Directive No. 81/1057/EEC<sup>M6</sup>, the Accession of Spain and Portugal Act, Council Directives Nos. 89/594/EEC<sup>M7</sup>, 89/595/EEC<sup>M8</sup> and 90/658/EEC<sup>M9</sup>, the EEA Agreement and the Accession of Austria, Finland and Sweden Act;

‘Midwifery Directive’ means 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 Council Directive No. 80/1273/EEC<sup>M10</sup>, 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 11(5).

- (6) For the purposes of this section—

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‘the Accession of Greece Act’ means the Act annexed to the Treaty relating to the accession of the Hellenic Republic to the European Community signed at Athens on 28th May 1979<sup>M11</sup>;

‘the Accession of Spain and Portugal Act’ means the 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<sup>M12</sup>;

‘the Accession of Austria, Finland and Sweden Act’ means the 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<sup>M13</sup>, as adjusted by the 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<sup>M14</sup>.]

#### Textual Amendments

- F59** Words in s. 22B(1) substituted (31.12.1996) by S.I. 1996/3101, reg. 3(1)(a)  
**F60** Words in s. 22B(1)(a)(b) substituted (31.12.1996) by S.I. 1996/3101, reg. 3(1)(b)  
**F61** S. 22B(1A) inserted (31.12.1996) by S.I. 1996/3101, reg. 3(2)  
**F62** Words in s. 22B(2) substituted (31.12.1996) by S.I. 1996/3101, reg. 3(3)  
**F63** Words in s. 22B(3)(4)(b) substituted (31.12.1996) by S.I. 1996/3101, reg. 3(4)  
**F64** S. 22B(5) substituted (31.12.1996) by S.I. 1996/3101, reg. 3(5)

#### Marginal Citations

- M6** O.J. No. L385, 31.12.1981, p. 25.  
**M7** O.J. No. L341, 23.11.1989, p. 19.  
**M8** O.J. No. L341, 23.11.1989, p. 30.  
**M9** O.J. No. L353, 17.12.1990, p. 73.  
**M10** O.J. No. L375, 31.12.1980, p. 74.  
**M11** O.J. No. L291, 19.11.1979, p. 91.  
**M12** O.J. No. L302, 15.11.1985, p. 160.  
**M13** O.J. No. C241, 29.8.1994, p. 21. Norway did not ratify the Treaty.  
**M14** O.J. No. L1, 1.1.1995, p. 1. See the Annex (XI) (D) (III) (2) and (5).

## 23 Interpretation and supplementary.

(1) In this Act—

“by order” means by order in a statutory instrument;

“the Central Council” and “the Council” mean the body established by section 1(1);

“elected members” has the meaning given by [F65section 1(3)];  
[F66“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);]

“the National Boards” and “the Boards” mean the bodies established by section 5(1);

“prescribed” means prescribed by the Secretary of State by order;

“the professional register” means the register maintained by the Council under section 10(1), and “registration” and “register” shall be construed accordingly;

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- “rules” means rules made by the Council; and  
 “training” includes education;
- and for a person to be treated as “practising” he must be working in some capacity by virtue of a qualification in nursing, midwifery or health visiting as the case may be.
- (2) Orders under this Act shall be subject to annulment by resolution of either House of Parliament; but this does not apply to—
- (a) orders under section 22(4), [<sup>F67</sup>Schedule 2, Part I,] Schedule 3 or Schedule 5, Part I; or
  - (b) orders appointing a day for the purposes of any provision of this Act.
- (3) Schedule 6 to this Act has effect for adapting the provisions of this Act there mentioned in their application to Northern Ireland and to the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland.
- (4) The enactments specified in Schedule 7 are amended as there specified
- (5) The enactments specified in Schedule 8 are repealed to the extent there specified

#### Textual Amendments

- F65** Words in s. 23(1) in definition of 'elected members' substituted (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\)](#), s. 16(1), [Sch. 2 para. 8\(2\)](#); S.I. 1993/588, [art.2](#)
- F66** S. 23(1): definition of 'electoral scheme' inserted (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\)](#), s. 16(1), [Sch. 2 para. 8\(3\)](#); S.I. 1993/588, [art.2](#)
- F67** Words in s. 23(2) repealed (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\)](#), s. 16(2), [Sch.3](#); S.I. 1993/588, [art.2](#)

#### Modifications etc. (not altering text)

- C1** It is provided by [S.I. 1979/1573 \(N.I. 12\)](#), [Sch. 4 para. 28](#), that in s. 23(1), as modified by s. 23(3) and Sch. 6 paras. 1 and 3(a), “Statutory Rules (Northern Ireland) Order 1979” is substituted for “Statutory Rules Act (Northern Ireland) 1958”
- C2** The text of s. 23(4)(5), Sch. 1 Pt.II para. 5, Sch. 2 Pt. II para. 5, Sch. 7, Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

## 24 Citation, etc.

- (1) This Act may be cited as the Nurses, Midwives and Health Visitors Act 1979.
- (2) This Act, except section 21(2) and this section (which shall come into force on the passing of this Act), shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different provisions of this Act.
- (3) This Act extends to Northern Ireland.

#### Modifications etc. (not altering text)

- C3** [S. 24\(2\)](#): power of appointment conferred by section 24(2) fully exercised: [S.I. 1980/893](#); 1982/963, 1565; 1983/668

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## SCHEDULES

### [<sup>F68</sup>SCHEDULE 1

#### CONSTITUTION ETC. OF CENTRAL COUNCIL

##### Textual Amendments

**F68** Sch. 1 substituted (1.4.1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 1(2), Sch. 1; S.I. 1993/588, art. 2

##### *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 sub-paragraph (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.

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- (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 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.

*Status: Point in time view as at 31/12/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

*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 5.

CONSTITUTION ETC. OF NATIONAL BOARDS

**PART I**

NOMINATION OF MEMBERS OF CENTRAL COUNCIL BY NATIONAL BOARDS

F69<sub>1</sub> .....

**Textual Amendments**

**F69** Sch. 2 paras. 1-4 repealed (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 16(2), Sch. 3; S.I. 1993/588, art.2

**PART II**

OTHER PROVISIONS WITH RESPECT TO NATIONAL BOARDS

*Tenure of office of members and chairmen*

F70<sub>2</sub> .....

**Textual Amendments**

**F70** Sch. 2 paras. 1-4 repealed (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 16(2), Sch. 3; S.I. 1993/588, art.2

F71<sub>3</sub> .....

*Status: Point in time view as at 31/12/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

#### Textual Amendments

**F71** Sch. 2 paras. 1-4 repealed (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 16(2), Sch. 3; S.I. 1993/588, art.2

**F72**<sup>4</sup> .....

#### Textual Amendments

**F72** Sch. 2 paras. 1-4 repealed (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 16(2), Sch. 3; S.I. 1993/588, art.2

5

(1) In Part III of Schedule 1 to the <sup>M15</sup> House of Commons Disqualification Act 1975 (disqualifying offices), the following entry is inserted at the appropriate place in alphabetical order— “ Chairman of any of the National Boards constituted under the Nurses, Midwives and Health Visitors Act 1979, if appointed by the Secretary of State under section 5(8)(a) of that Act. ”

(2) In Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, in Part III the following entry is inserted at the appropriate place in alphabetical order— “ Chairman of the National Board of Nursing, Midwifery and Health Visiting for Northern Ireland ”.

#### Modifications etc. (not altering text)

**C4** The text of s. 23(4)(5), Sch. 1 Pt.II para. 5, Sch. 2 Pt. II para. 5, Sch. 7, Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

#### Marginal Citations

**M15** 1975 c 24.

#### Procedure

**F73**<sup>6</sup> .....

#### Textual Amendments

**F73** Sch. 2 paras. 6-8 repealed (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 16(2), Sch. 3; S.I. 1993/588, art.2

#### Remuneration, allowances and pensions

7

A Board may pay—

- (a) to its employees such remuneration, and make such provision for the payment of pensions, allowances or gratuities to or in respect of them, as the Secretary of State may, with the consent of the Minister for the Civil Service, approve;



*Status: Point in time view as at 31/12/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

- (b) to its chairman and members and to other persons appointed to serve on its standing and other committees, such travelling and other allowances as the Secretary of State may determine with the approval of the Minister for the Civil Service.

**Modifications etc. (not altering text)**

- C5** Sch. 2 Pt. II para. 7 amended (transfer of functions from the Minister for the Civil Service to the Treasury) by S.I. 1981/1670, arts. 2(1), 3(5)

*Documents*

F748 .....

**Textual Amendments**

- F74** Sch. 2 Pt. II paras. 6-8 repealed (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 16(2), Sch.3; S.I. 1993/588, art.2

SCHEDULE 3

PROCEEDINGS BEFORE COUNCIL AND COMMITTEES

- 1 For purposes of proceedings under section 12 before the Council or a committee in England and Wales—
  - (a) the Council or committee may administer oaths;
  - (b) a solicitor to the Council, and any person entitled to appear at the proceedings, may sue out writs of subpoena ad testificandum and duces tecum (but not so as to compel a person to produce a document which he could not be compelled to produce on the trial of an action); and
  - (c) section 49 of the <sup>M16</sup>Supreme Court of Judicature (Consolidation) Act 1925 (subpoena valid throughout United Kingdom) applies as in relation to causes or matters in the High Court.

**Marginal Citations**

- M16** 1925 c. 49.

- 2 (1) For purposes of proceedings under section 12 before the Council or a committee in Scotland;—
  - (a) the Council or committee may administer oaths; and
  - (b) the Court of Session shall, on the application of any party to the proceedings, have the same such powers as are mentioned in sub-paragraph (2) below as it has in an action in that court.
- (2) The powers mentioned above are—

*Status: Point in time view as at 31/12/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

- (a) to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the Council or committee, and for the issue of second diligence against any witness or haver failing to appear after due citation;
- (b) to grant warrant for the recovery of documents; and
- (c) to grant commissions to persons to take the evidence of witnesses or to examine havers and receive their exhibits and productions.

3

- (1) The Central Council shall appoint assessors (either generally or for any particular proceedings or class of proceedings) to advise the Council or committees on questions of law arising in the proceedings.
- (2) Assessors shall be
  - [<sup>F75</sup>(a) persons who have a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
  - (b) advocates or solicitors in Scotland of at least 10 years' standing; or
  - (c) members of the Bar of Northern Ireland or solicitors of the Supreme Court of Northern Ireland of at least 10 years' standing.]
- (3) The Council shall pay to assessors such remuneration as it may determine.

#### Textual Amendments

**F75** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), [Sch. 10 para. 43](#)

4

- (1) The Lord Chancellor and, for proceedings in Scotland, the Lord Advocate may by order make provision with regard to the functions of assessors.
- (2) In particular, provision may be made—
  - (a) requiring assessors, when advising the Council or any of its committees, to do so in the presence of the parties or, where advice is given in private, requiring the parties to be notified of the advice tendered by the assessors; and
  - (b) requiring the parties to be informed in cases where the assessors' advice is not accepted.

#### <sup>F76</sup>SCHEDULE 4

#### Textual Amendments

**F76** [Schedule 4](#) ( paras. 1-4 ) ceased to have effect (E.W.S) except as it applies to Northern Ireland (1. 10. 1991) by [S.I. 1991/1997, reg. 2, Sch. para. 32\(c\)](#) and also ceased to have effect (N. I.) (29. 3. 1993) by [S.R. 1993/67, regs. 1, 2, Sch. para. 8](#) (b)

*Status: Point in time view as at 31/12/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

## SCHEDULE 5

Section 21.

### TRANSITIONAL PROVISIONS, ETC.

#### PART I

##### TRANSFER OF PROPERTY AND STAFF ETC. FROM EXISTING BODIES

- 1 In this Schedule—
- “the new statutory bodies” means the Central Council and the four National Boards;
- “the replaced statutory bodies” means the bodies mentioned in section 21(1) of this Act.
- 2 (1) The Secretary of State may by order provide for the transfer on the day specified by the order—
- (a) to the employment of one or other of the new statutory bodies of any persons who immediately before that day were employed by one of the replaced statutory bodies;
- (b) to any one or other of the new statutory bodies of such of the property, rights and liabilities, which immediately before that day were property, rights and liabilities of one or other of the replaced statutory bodies, as may be specified by the order.
- (2) The reference in sub-paragraph (1)(b) above to rights and liabilities does not include rights and liabilities under any contract of employment.
- (3) An order under sub-paragraph (1)(a) above shall, in the case of any persons transferred by the order, provide for the scales of remuneration applicable to them in the employment of the new statutory body and, taken as a whole, the other terms and conditions of that employment to be in general no less favourable than the scales of remuneration, terms and conditions enjoyed by them immediately before the transfer.
- (4) Any such order shall so provide and have effect that, for the purposes of any enactment specified in it, the employments from which and to which persons are transferred by the order are to be treated as one continuous employment.
- 3 Orders under paragraph 2 shall provide for persons suffering loss of employment in consequence of the dissolution of any of the replaced statutory bodies (whether or not they are entitled to payments in respect of that loss of employment under legislation relating to redundancy) to be entitled, in such circumstances as the order may specify, to compensation payable by the Central Council on scales laid down by the Secretary of State with the approval of the Minister for the Civil Service.
- 4 Any dispute arising as to whether or not—
- (a) the terms of employment with one of the new statutory bodies are, or would be, less favourable to a person than those on which he was employed at the time when the employment was offered to him; or
- (b) whether or not a person’s refusal of employment with one of those bodies was reasonable,
- and any dispute concerning the compensation referred to in paragraph 3, shall be referred to and determined by an industrial tribunal.

*Status: Point in time view as at 31/12/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

- 5 Any property, rights and liabilities (other than rights and liabilities under a contract of employment) which are vested in or incumbent on any of the replaced statutory bodies immediately before the day on which the replaced statutory bodies are dissolved and are not transferred on that day by virtue of an order under paragraph 2(1)(b) above shall by virtue of this sub-paragraph be transferred to, and vest in or become incumbent on, the Central Council on that day.
- 6 (1) Where a person formerly employed by any of the replaced statutory bodies claims to have a right of action against that body arising from his employment by them but is unable to pursue his claim because of the dissolution of the body, he may bring his claim—
- (a) if he is transferred to the employment of one or other of the new statutory bodies, against that body; or
  - (b) in any other case, against the Central Council.
- (2) The body against whom a claim is brought by virtue of sub-paragraph (1) shall be liable in the same manner and to the same extent as the replaced statutory body would have been liable if it had not been dissolved.

## PART II

### CONTINUATION OF DISCIPLINARY PROCEEDINGS

- 7 Where on the appointed day any disciplinary proceedings—
- (a) are pending before any of the replaced statutory bodies or before any committee of theirs; or
  - (b) have begun but the body or committee seized of them has not communicated its decision to the person who is the subject of the proceedings,
- that body or committee shall refer the proceedings to the Central Council and the Council shall dispose of the matter in whatever way it thinks just.
- 8 An appeal by a person aggrieved by a decision of any of the replaced statutory bodies or any committee of theirs to remove or suspend him from one of the registers, rolls or lists maintained under any of the enactments repealed by this Act which is pending or proceeding before any court on the appointed day may be continued and disposed of as if the provision of the repealed enactments under which the appeal was brought had remained in force.
- 9 In this Part of this Schedule “the appointed day” means the day appointed by the Secretary of State by order for the purposes of this Part.

#### Modifications etc. (not altering text)

C6 Sch. 5 Pt. II para. 9: appointed 1.7.1983 for the purposes of Sch. 5 Pt. II by S.I. 1983/723, art. 2

*Status: Point in time view as at 31/12/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

SCHEDULE 6

Section 23(3).

ADAPTATIONS FOR NORTHERN IRELAND AND ITS NATIONAL BOARD

1 In sections 5, [F826,]19, 20, 22 and 23, and Schedules F83 . . . 3 and F84 . . . , as they apply to Northern Ireland and to the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland, there are made the adaptations provided for by this Schedule.

**Textual Amendments**

- F82** Word in Sch. 6 para. 1 substituted (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 16(1), Sch. 2 para. 9(2); S.I. 1993/588, art.2
- F83** Word in Sch. 6 para. 1 repealed (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 16(2), Sch. 3; S.I. 1993/588, art.2
- F84** Word in Sch. 6 para. 1 deleted (29. 3. 1993) by S.R. 1993/67, regs. 1, 2, Sch. para. 8(c)

2 Subject to the following provisions of this Schedule, in the provisions of this Act specified in column 1 of the Table set out below, for any reference specified in column 2 substitute the reference specified in column 3.

TABLE

<i>Provision</i>	<i>Reference</i>	<i>Substituted reference</i>
Sections [F855(8)(e) and (f)] and 20(5) and (6) F86 ...	The Secretary of State.	The Head of the Department of Health and Social Services for Northern Ireland.
Sections [F856(1)(da),] 19(1), (3) and (4) and 20(1) and (2) F86 ...	The Secretary of State.	The Department of Health and Social Services for Northern Ireland.
F86	F86	F86
...	...	...
[F85Sections 5(8)(e) and] 20(1)(b).	The Treasury.	The Department of Finance for Northern Ireland.
Section 20.	The Comptroller and Auditor General.	The Comptroller and Auditor General for Northern Ireland.
Section [F8520(6)].	Each House of Parliament.	The Northern Ireland Assembly.
Section 22(4) and Schedule 3, paragraph 4. F86	The Lord Chancellor. F86	The Lord Chief Justice of Northern Ireland. F86
...	...	...

*Status: Point in time view as at 31/12/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

F87	F87	F87
...	...	...
F87	F87	F87
...	...	...

#### Textual Amendments

- F85** Words in Sch. 6 para. 2 Table substituted (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\)](#), s. 16(1), [Sch. 2 para. 9\(3\)\(a\)-\(d\)](#); S.I. 1993/588, [art.2](#)
- F86** Words and entries in Sch. 6 para. 2 Table repealed (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\)](#), s. 16(2), [Sch. 3](#); S.I. 1993/588, [art.2](#)
- F87** Sch. 6 para. 2; entries relating to Sch. 4 para. 3 deleted (29. 3. 1993) by S.R. 1993/67, [regs. 1, 2](#), [Sch. para. 8\(d\)](#)

[<sup>F88</sup>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

*Status: Point in time view as at 31/12/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

- (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.”]

#### Textual Amendments

**F88** Sch. 6 para. 2A inserted (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 16(1), Sch. 2 para. 9(4); S.I. 1993/588, art.2

- 3 In section 23(1)—
- (a) in the definition of “by order”, at the end add the words “or in the case of an order under section [F895 or 6] made by the Department of Health and Social Services for Northern Ireland or an order under section 22(4) or paragraph 4 of Schedule 3 made by the Lord Chief Justice of Northern Ireland means by order made by statutory rule for the purposes of the [F90Statutory Rules (Northern Ireland) Order 1979]”;
  - (b) in the definition of “prescribed” after the words “Secretary of State” insert the words “or, as the case may be, the Department of Health and Social Services for Northern Ireland”.

#### Textual Amendments

**F89** Words in Sch. 6 para. 3(a) substituted (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 16(1), Sch. 2 para. 9(5); S.I. 1993/588, art.2

**F90** Sch. 6 para. 3(a): words substituted by S.I. 1979/1573 (N.I. 12), Sch. 4 para. 28

#### Modifications etc. (not altering text)

**C7** It is provided by S.I. 1979/1573 (N.I. 12), Sch. 4 para. 28, that in s. 23(1), as modified by s. 23(3) and Sch. 6 paras. 1 and 3(a), “Statutory Rules (Northern Ireland) Order 1979” is substituted for “Statutory Rules Act (Northern Ireland) 1958”

- 4 In section 23(2) at the end add—
- “(c) orders made by the Department of Health and Social Services for Northern Ireland under section [F915 or 6];
- and the orders mentioned in paragraph (c) shall be subject to negative resolution as defined by section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were statutory instruments within the meaning of that Act. ”.

*Status: Point in time view as at 31/12/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

**Textual Amendments**

**F91** Words in [Sch. 6 para. 4](#) substituted (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\)](#), s. 16(1), [Sch. 2 para. 9\(6\)](#); S.I. 1993/588, [art.2](#)

- 5 In paragraph 1 of Schedule 3, for “in England and Wales” substitute “in Northern Ireland” and for paragraph 1(c) substitute—
  - “(c) section 67 of the Judicature (Northern Ireland) Act 1978 (subpoena valid throughout United Kingdom) applies as in relation to causes or matters in the High Court in Northern Ireland.”

SCHEDULE 7

Section 23(4)

AMENDMENTS OF ENACTMENTS

**Modifications etc. (not altering text)**

**C8** The text of s. 23(4)(5), Sch. 1 Pt.II para. 5, Sch. 2 Pt. II para. 5, Sch. 7, Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

*Nursing Homes Registration (Scotland) Act 1938 (c. 73)*

- 1 In section 1(3)(d) of the Nursing Homes Registration (Scotland) Act 1938, for “certified” substitute “registered” . . . <sup>F92</sup>

**Textual Amendments**

**F92** Words repealed by [Health Services Act 1980 \(c. 53, SIF 113:2\)](#), s. 25(4), [Sch. 7](#)

- 2 . . . . . <sup>F93</sup>

**Textual Amendments**

**F93** [Sch. 7 paras. 2, 3\(b\)](#) 24, 25 repealed by [Health Services Act 1980 \(c.53, SIF 113:2\)](#), s. 25(4), [Sch. 7](#); and [Sch. 7 para. 2](#) expressed to be repealed (S.) (1.4.2002) by [2001 asp 8, s. 80\(1\)](#), [Sch. 4](#); S.S.I. 2002/162, [art. 2](#) (subject to [arts. 3-13](#))

- 3 In section 10—
  - (a) omit the definitions of “qualified nurse” and “certified midwife” ;
  - (b) . . . . . <sup>F94</sup>



*Status: Point in time view as at 31/12/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

#### Textual Amendments

**F94** Sch. 7 paras. 2, 3(b) 24, 25 repealed by Health Services Act 1980 (c.53, SIF 113:2), s. 25(4), Sch. 7

#### *Nurses (Scotland) Act 1951 (c.55)*

- 4 In section 27 of the Nurses (Scotland) Act 1951—
- (a) in subsection (1), for paragraphs (a) to (c) substitute—
    - “(a) registered nurses and registered midwives; and” and make paragraph (d) into paragraph (b);
  - (b) in subsection (3) for “registered nurse” substitute “registered and qualified nurse”.
- 5 In section 29 for “registered nurse” substitute “registered and qualified nurse”.

- 6 In section 32, omit the definition of “certified midwife”.

#### *Births and Deaths Registration Act 1953 (c. 20)*

- [<sup>F95</sup>6A In section 33—
- (a) in section (5) omit the words from the beginning to “this section and” and for the word “him” substitute “the Secretary of State”; and
  - (b) in subsection (6) omit the words from the beginning to “is exercised and”.]

#### Textual Amendments

**F95** Sch. 7 para. 6A inserted (E.W.S.) by Health Services Act 1980 (c. 53, SIF 113:2), s. 25(3), Sch. 6 para. 11(1)

- 7 In section 11(1) and (1A) of the Births and Deaths Registration Act 1953, for “certified midwife” substitute “registered midwife”.

#### *Nurses Agencies Act 1957 (c.16)*

- 8 In section 1 of the Nurses Agencies Act 1957—
- (a) in subsection (1), for paragraphs (a) to (c) substitute—
    - “(a) registered nurses and registered midwives; and” and make paragraph (d) into paragraph (b);
  - (b) in subsection (3), for “registered nurse” substitute “registered and qualified nurse”.
- 9 In section 3(2), for “registered nurse” substitute “registered and qualified nurse”.

*Status: Point in time view as at 31/12/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

- 10 In section 8, omit the definitions of “ certified midwife” “ enrolled nurse” and “ registered nurse” , and the word “ and” immediately preceding the latter.

*Health Visiting and Social Work (Training) Act 1962 (c. 33)*

- [<sup>F96</sup>11 In paragraph 4 of Schedule 1 to the Health Visiting and Social Work (Training) Act 1962, for “ General Nursing Council for England and Wales” substitute “ United Kingdom Central Council for Nursing, Midwifery and Health Visiting ”.]

**Textual Amendments**

**F96** Sch. 7 para. 11 repealed (E.W.S.) by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 30, **Sch. 10 Pt. I**

*Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c.49)*

- 12 In section 21(2) and (3) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965, for “ certified midwife” substitute “ registered midwife ”.
- 13 Omit section 21(6)

*Medicines Act 1968 (c. 67)*

- 14 In section 11 of the Medicines Act 1968—
  - (a) in subsection (1) for “ a registered nurse or as a certified midwife” substitute “ a registered and qualified nurse or a registered midwife ” ;
  - (b) omit subsection (2).

*Commissioner for Complaints Act (Northern Ireland) 1969 (c. 25 N.I.)*

- <sup>F97</sup>15 .....

**Textual Amendments**

**F97** Sch. 7 para. 15 repealed (16.7.1996) by [S.I. 1996/1297, art. 23\(2\)](#), **Sch. 5**

*Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971 (c.32 N.I.)*

- <sup>F98</sup>16 .....

**Textual Amendments**

**F98** Sch. 7 paras. 16-18 repealed (1. 4. 1993) by [S.I. 1992/3204 \(N.I. 20\)](#), art. 38, **Sch. 2**; [S.R. 1993/75](#), **art.2**

- <sup>F99</sup>17 .....

**Textual Amendments**

**F99** Sch. 7 paras. 16-18 repealed (1. 4. 1993) by [S.I. 1992/3204 \(N.I. 20\)](#), art. 38, **Sch.2**; [S.R. 1993/75](#), **art.2**

*Status: Point in time view as at 31/12/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

F100 18 .....

**Textual Amendments**

**F100** Sch. 7 paras. 16-18 repealed (1. 4. 1993) by S.I. 1992/3204 (N.I. 20), art. 38, **Sch.2**; S.R. 1993/75, **art.2**

- 19 In section 11—  
    (a) in subsection (1), for paragraphs (a) to (c) substitute—  
        “(a) registered nurses and registered midwives; and” and make  
        paragraph (d) into paragraph (b);  
    (b) in subsection (3) for “registered nurse” substitute “registered and qualified  
        nurse”.
- 20 In section 19 omit the definitions of “enrolled nurse” and “registered nurse”.
- 21 In section 20 omit the definitions of “the Act of 1970” and “midwife”.
- 22 In Schedule 1, omit the entry relating to the Nurses and Midwives Act (Northern  
Ireland) 1970.
- [F101] 23 In section 4(e) of the Nursing Homes Act 1975 for “certified” substitute “  
registered” and for “pupil midwife” substitute “student midwife”; and at the end  
of section 4 insert—  
    “(2) In relation to any nursing home, a person is to be treated as a qualified nurse  
    if he possesses such qualifications as the Secretary of State considers to be  
    requisite in the provision of nursing care for patients in that home.”]

**Textual Amendments**

**F101** Sch. 7 para. 23 repealed (E.W.) by Registered Homes Act 1984 (c.23, SIF 113:3), s. 57, **Sch. 3**

24 ..... F102

**Textual Amendments**

**F102** Sch. 7 paras. 2, 3(b) 24, 25 repealed by Health Services Act 1980 (c.53, SIF 113:2), s. 25(4), **Sch. 7**

25 ..... F103

**Textual Amendments**

**F103** Sch. 7 paras. 2, 3(b) 24, 25 repealed by Health Services Act 1980 (c.53, SIF 113:2), s. 25(4), **Sch. 7**

*Sex Discrimination Act 1975 (c. 65)*

- 26 In paragraph 3(1) of Schedule 4 to the Sex Discrimination Act 1975, for the words  
“the issue” to “section 20” substitute “registration as midwives under the Nurses,  
Midwives and Health Visitors Act 1979”.

*Status: Point in time view as at 31/12/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

*Restrictive Trade Practices Act 1976 (c. 34)*

- 27 In Schedule 1 to the Restrictive Trade Practices Act 1976, for paragraph 6 substitute—

“(6) The service of nurses.”

*National Health Service Act 1977 (c.49)*

- 28 In section 128(1) of the National Health Service Act 1977 omit the definition of “certified midwife” and “registered nurse”; and in Schedule 4, paragraph 1 (5) (c), for “certified” substitute “registered”

*National Health Service (Scotland) Act 1978 (c. 29)*

- 29 In section 108(1) of the National Health Service (Scotland) Act 1978, omit the definitions of “certified midwife” and “registered nurse”.

*Interpretation Act 1978 (c. 30)*

- 30 In Schedule 1 to the Interpretation Act 1978 (words and expressions defined) at the appropriate place in alphabetical order insert—

““Registered” in relation to nurses, midwives and health visitors, means registered in the register maintained by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting by virtue of qualifications in nursing, midwifery or health visiting, as the case may be.”

*Employment Protection (Consolidation) Act 1978 (c. 44)*

F104 31 .....

**Textual Amendments**

F104 Sch. 7 para. 31 repealed (10.6.1994) by 1993 (c. 19), s. 51, Sch. 10; S.I. 1994/1365, art. 2, Sch.

32—33 ..... F105

**Textual Amendments**

F105 Sch. 7 paras. 32, 33 repealed by Statute Law (Repeals) Act 1981 (c.19), s. 1(1), Sch. 1 Pt. IV

*Health and Personal Social Services Order (Northern Ireland) 1972 (S.I. 1972/1265 (N.I.14))*

- 34 In Article 17(1) of the Health and Personal Social Services Order (Northern Ireland) 1972, after sub-paragraph (c), insert—

“(d) provide such facilities and accommodation for persons training with a view to qualification for registration as nurses and midwives as the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland may require in discharging functions under section 6(1)(a) of the Nurses, Midwives and Health Visitors Act 1979; .”

*Status: Point in time view as at 31/12/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

F106 35 .....

**Textual Amendments**

**F106** Sch. 7 para. 35 repealed (1.4.1994) by S.I. 1994/429, arts. 1(3), 7(3), Sch. 2

*Births and Deaths Registration (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I. 15))*

36 In Article 2(2) of the Births and Deaths Registration (Northern Ireland) Order 1976 omit the definition of “ midwife” ; and in Article 15 for “ midwife” substitute “ registered midwife ”.

*Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I. 15))*

37 In paragraph 3(1) of Schedule 5 to the Sex Discrimination (Northern Ireland) Order 1976, for the words from “ the issue” to “ Article 22)” substitute “ registration as midwives under the Nurses, Midwives and Health Visitors Act 1979 ”.

*Industrial Relations (No.2) (Northern Ireland) Order 1976 (S.I. 1976/2147 (N.I. 28))*

[<sup>F107</sup>38 In Article 15(4) of the Industrial Relations (No. 2) (Northern Ireland) Order 1976, for “ certified midwife” substitute “ registered midwife ”; and in Article 32 omit the definition of “ certified midwife”.]

**Textual Amendments**

**F107** Sch. 7 para. 38 repealed (7.2.1994 except for specified purposes and 1.7.1994 otherwise) by S.I. 1993/2668 (N.I. 11), art. 18(4), Sch.8; S.R. 1993/476, art.2, Sch.; S.R. 1994/215, art. 2(1)

SCHEDULE 8

Section 23(5)

REPEALS

**Modifications etc. (not altering text)**

**C9** The text of s. 23(4)(5), Sch. 1 Pt.II para. 5, Sch. 2 Pt. II para. 5, Sch. 7, Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

*Status: Point in time view as at 31/12/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

REPEALS

Chapter	Short title	Extent of repeal
1 & 2 Geo. 6. c. 72. 14 & 15 Geo. 6. c. 55. 14 & 15 Geo. 6. c. 54. 14 & 15 Geo. 6. c. 55.	The Nursing Homes Registration (Scotland) Act 1938. The Midwives Act 1951. The Midwives (Scotland) Act 1951. The Nurses (Scotland) Act 1951.	In section 10, the definitions of "qualified nurse" and "certified midwife". The whole Act. The whole Act. Parts I, II and (except section 3(1) and (2) IV, and in section 12 the definition of "certified midwife". Schedules 1 and 4. Section 6.
1 & 2 Eliz. 2. c. 47. 5 & 6 Eliz. 2. c. 15. 5 & 6 Eliz. 2. c. 16.	The Emergency Laws (Miscellaneous Provisions) Act 1953. The Nurses Act 1957. The Nurses Agencies Act 1957.	The whole Act. The whole Act. In section 8, the definitions of "certified midwife", "enrolled nurse" and "registered nurse", and the word "and" immediately preceding the latter definition.
7 & 8 Eliz. 2. c. 72. 8 & 9 Eliz. 2. c. 41. 9 & 10 Eliz. 2. c. 14. 10 & 11 Eliz. 2. c. 23.	The Mental Health Act 1959. The Mental Health (Scotland) Act 1960. The Nurses (Amendment) Act 1961. The Health Visiting and Social Work (Training) Act 1962.	In Schedule 7, the entry relating to the Nurses Act 1957. In Schedule 4, the entry relating to the Nurses (Scotland) Act 1951. The whole Act. Section 3(5).
1964 c. 44. 1965 c. 49.	The Nurses Act 1964. The Registration of Births and Marriages (Scotland) Act 1965.	The whole Act. Section 21(6).
1967 c. 16. 1967 c. 80.	The Teachers of Nursing Act 1967. The Criminal Justice Act 1967.	The whole Act. In Schedule 3, Part I, the entries relating to the Midwives Act 1951 and the Midwives (Scotland) Act 1951.
1968 c. 46.	The Health Services and Public Health Act 1968.	In Part I of Schedule 3, in the first entry relating to the Health Visiting and Social Work (Training) Act 1962, the words "3 and"; and the second entry relating to that Act.
1968 c. 49.	The Social Work (Scotland) Act 1968.	In Schedule 8, paragraph 60.

Nurses, Midwives and Health Visitors Act 1979 c. 36

Chapter	Short title	Extent of repeal
1968 c. 67.	The Medicines Act 1968.	In section 11(1), the words "or, in relation to" onwards. Section 11(2).
1969 c. 25 (N.I.).	The Commissioner for Complaints Act (Northern Ireland) 1969.	In Schedule 1, in Part II, the entry relating to the Northern Ireland Council for Nurses and Midwives.
1969 c. 47. 1970 c. 11 (N.I.).	The Nurses Act 1969. The Nurses and Midwives Act (Northern Ireland) 1970.	The whole Act. The whole Act.
1971 c. 32 (N.I.).	The Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971.	In section 10(1), the definitions of "Joint Council", "qualified nurse" and "the register of nurses". Section 10(2). In section 19, the definitions of "enrolled nurse" and "registered nurse". In section 20, the definitions of "the Act of 1970" and "midwife".
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1, the entry relating to the Nurses and Midwives Act (Northern Ireland) 1970.
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Schedule 1, in Part III, the entry relating to the Chairman of the Northern Ireland Council for Nurses and Midwives.
1975 c. 37.	The Nursing Homes Act 1975.	In section 20(1), the definition of "qualified nurse". Section 20(2).
1975 c. 65.	The Sex Discrimination Act 1975.	Section 20(4) and (5). In Schedule 4, paragraph 3(2) and (3).
1977 c. 45.	The Criminal Law Act 1977.	In Schedule 5, paragraph 2. In Schedule 6, the entries relating to the Midwives Act 1951, the Midwives (Scotland) Act 1951, the Nurses (Scotland) Act 1951 and the Nurses Act 1957.
1977 c. 49.	The National Health Service Act 1977.	In section 128(1) the definition of "certified midwife". In Schedule 15, paragraphs 15 to 17.
1978 c. 29.	The National Health Service (Scotland) Act 1978.	In section 108(1) the definitions of "certified midwife" and "registered nurse". In Schedule 16, paragraph 7.
1978 c. 44.	The Employment Protection (Consolidation) Act 1978.	In section 153(1) the definition of "certified midwife".

Orders in Council

Number	Short title	Extent of repeal
S.I. 1972/1073 (N.I. 10).	The Superannuation (Northern Ireland) Order 1972.	In Schedule 6, paragraph 7.
S.I. 1972/1245 (N.I. 14).	The Health and Personal Social Services (Northern Ireland) Order 1972.	In Schedule 16, Part II, paragraphs 84 to 85.
S.I. 1976/1041 (N.I. 14).	The Births and Deaths Registration (Northern Ireland) Order 1976.	In Article 2(2) the definition of "midwife".
S.I. 1976/1042 (N.I. 15).	The Sex Discrimination (Northern Ireland) Order 1976.	Article 22(4). In Schedule 5, paragraph 3(2) and (3).
S.I. 1976/2147 (N.I. 28).	The Industrial Relations (No. 2) (Northern Ireland) Order 1976.	In Article 32 the definition of "certified midwife".
S.I. 1977/1240.	The Central Council for Education and Training in Social Work Order 1977.	Article 3. Schedule 1.

**Status:**

Point in time view as at 31/12/1996.

**Changes to legislation:**

There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979.