



# Nurses, Midwives and Health Visitors Act 1979

## 1979 CHAPTER 36

### *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
  - (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.

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- (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 [<sup>F2</sup>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](#)

## 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>. . .

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- F4(a) .....
- F4(b) .....
- F4(c) .....
- F4(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;
  - F5(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 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](#)

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*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.

(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;

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- (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.]

#### 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

*Status: Point in time view as at 31/12/1996.*

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- 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.
- (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;

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- (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
  - (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—

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- (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.]

#### 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)



*Status: Point in time view as at 31/12/1996.*

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- 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 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

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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)*

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

#### [<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.

*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)*

- (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.
- (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

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- (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—
- (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];

*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)*

- (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**
- 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**

*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)*

**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**

**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**

*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)*

## 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**

*Miscellaneous and general*

## 21 Dissolution of existing bodies, etc.

*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)*

- (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.
- (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—



*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) 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
- (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,

*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)*

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—

‘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>;

*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)*

‘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;

“rules” means rules made by the Council; and

“training” includes education;

*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)*

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

**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.