

*Status: Point in time view as at 29/03/1993.*

*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)*

## SCHEDULES

### SCHEDULE 1

Section 1.

#### CONSTITUTION ETC. OF CENTRAL COUNCIL

##### PART I

###### NOMINATION OF MEMBERS OF CENTRAL COUNCIL BY NATIONAL BOARDS

- 1 (1) Each of the National Boards shall nominate as members of the Central Council the number of members of the Board, being not less than 5, prescribed by the Secretary of State by order.
- (2) The persons nominated by each of the Boards shall include at least—
- (a) two practising nurses;
  - (b) one practising midwife;
  - (c) one practising health visitor; and
  - (d) one person engaged in the teaching of nursing, midwifery or health visiting.

##### PART II

###### OTHER PROVISIONS WITH RESPECT TO CONSTITUTION ETC. OF CENTRAL COUNCIL

###### *Tenure of office of members and chairman etc.*

- 2 (1) In the first instance, members of the Council shall hold office for a period ending on a day appointed by the Secretary of State by order, which day is not to be more than three years from the coming into force of section 1.
- (2) After that day, members shall hold office for a period prescribed by the Secretary of State by order, being not less than 3 and not more than 5 years.

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

- C1** Sch. 1 Pt. II para. 2(1): appointed 1.11.1983 for the purposes of Sch. 1 Pt. II para. 2(1) by S.I. 1982/961, art. 2
- C2** Sch. 1 para. 2(1) excluded (6.3.1992) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 15(2)
- C3** Sch. 1 para. 2(2) excluded (6.3.1992) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 15(1)

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- (1) Where the place of a member becomes vacant before the expiration of his term of office (whether by death, resignation or otherwise) the vacancy shall be filled as follows—
- (a) if the former member was a member nominated by a National Board, that Board shall nominate another of its members to be a member of the Council; or
  - (b) if the former member was appointed by the Secretary of State, the vacancy shall be filled by an appointment made by the Secretary of State.
- (2) In nominating a person under sub-paragraph (1)(a), a Board shall have regard to the requirements of paragraph 1(2); and, in making an appointment under sub-paragraph (1)(b), the Secretary of State shall have regard to the qualification by virtue of which the former member was appointed.
- (3) Where a person is nominated or appointed as a member of the Council under sub-paragraph (1) above, he shall (subject to paragraph 4(2) and (3)) hold office for the remainder of the term of office of the former member whose place he fills.
- 4
- (1) If the chairman or deputy chairman ceases to be a member of the Council, he shall also cease to be chairman or deputy chairman.
- (2) Where a member of the Council or of 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 his office to be vacant.
- (3) A nominated member who ceases to be a member of the National Board which nominated him shall cease to be a member of the Council.
- 5
- In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices), the following entry is inserted at the appropriate place in alphabetical order— “ Chairman of the United Kingdom Central Council for Nursing, Midwifery and Health Visiting, if appointed by the Secretary of State under section 1(6)(a) of the Nurses, Midwives and Health Visitors Act 1979. ”

**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.

*Procedure*

- 6
- (1) The Council may act notwithstanding—
- (a) any vacancy among its members, or
  - (b) that in consequence of one or more vacancies, the nominated members cease to form the majority of the total membership of the Council.

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- (2) At any meeting of the Council the quorum shall be 15 members including at least one nominated member from each of the National Boards.
- (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 and that of its standing committees and of any joint committee constituted by or under section 8, 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) Before making any standing orders regarding the procedure of any joint committee constituted by or under section 8, the Council shall consult each of the National Boards.
- (7) No defect in the appointment of any member shall invalidate any proceedings of the Council or of its committees or of any joint committee.

*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;
  - (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. 1 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*

- 8 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.

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## SCHEDULE 2

Section 5.

### CONSTITUTION ETC. OF NATIONAL BOARDS

#### PART I

##### NOMINATION OF MEMBERS OF CENTRAL COUNCIL BY NATIONAL BOARDS

- 1
- (1) The Central Council shall, within the period of two years following the coming into force of section 1(1) of this Act, submit an electoral scheme to the Secretary of State for his approval, and the Secretary of State shall, if he approves it, give effect to the scheme by order.
  - (2) The Council shall by the scheme determine as respects each Board the professional, residential or other qualifications which a person must have to be eligible to vote or be elected in the election held under the scheme.
  - (3) The scheme may be varied from time to time by the Central Council, subject to the approval of the Secretary of State to be signified by order.
  - (4) No order shall be made under this paragraph unless a draft of the order has been approved by resolution of each House of Parliament.

#### PART II

##### OTHER PROVISIONS WITH RESPECT TO NATIONAL BOARDS

###### *Tenure of office of members and chairmen*

- 2
- (1) With effect from the appointed day, members of each of the Boards shall hold office for a period prescribed by the Secretary of State by order, being not less than 3 and not more than 5 years.
  - (2) Such an order may make different provision with regard to elected and appointed members respectively.
- 3
- (1) Where the place of a member becomes vacant before the expiration of his term of office (whether by death, resignation or otherwise) the vacancy shall be filled—
    - (a) if the former member was an elected member, by an appointment made by the Secretary of State of a person (proposed by the Board) who would be qualified for election to that place;
    - (b) if the former member was appointed by the Secretary of State, by an appointment made by the Secretary of State having regard to the qualification by virtue of which the former member was appointed.
  - (2) Persons so appointed shall (subject to paragraph 4(2) and (3)) hold office for the remainder of the term of office of the former member.

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- 4
- (1) If the chairman or deputy chairman of a Board ceases to be a member of that Board, he shall also cease to be chairman or deputy chairman.
  - (2) Where a member of a Board or of 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 Board may by resolution declare his office to be vacant.
  - (3) An elected member, or a member appointed under paragraph 3(1)(a) who ceases to hold the qualification by virtue of which he was elected or appointed shall cease to be a member and his place shall become vacant.
- 5
- (1) In Part III of Schedule 1 to the <sup>M1</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)**

- C6** 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**

- M1** 1975 c 24.

*Procedure*

- 6
- (1) A Board may act notwithstanding—
    - (a) any vacancy among its members, or
    - (b) that in consequence of one or more vacancies, the elected members cease to form the majority of the total membership of the Board.
  - (2) At any meeting of a Board the quorum shall be 15 members (10 in the case of the Board for Northern Ireland).
  - (3) A Board may constitute committees of itself, for the purpose of transacting particular business of the Board.
  - (4) A Board may appoint as members of such committees persons who are not members of the Board; but not more than one-third of the members of such a committee shall be persons appointed by virtue of this sub-paragraph.
  - (5) A Board may, by means of standing orders, regulate its own procedure and that of its standing and other committees and may, to such extent and in such cases

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as may be permitted or required by orders of the Secretary of State and by its standing orders, act through those standing and other committees and through joint committees constituted by or under section 8:

Provided that standing orders shall not be made by a Board so as to conflict with any rules of the Central Council.

- (6) No defect in the appointment of any member shall invalidate any proceedings of a Board, or of any of its standing or other committees.

*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;
  - (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)**

**C7** 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*

- 8 A document purporting to be duly executed under the seal of a Board 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 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>M2</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.

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#### Marginal Citations

M2 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—
    - (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>F1</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

F1 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.

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## F2 SCHEDULE 4

### Textual Amendments

- F2** 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)**

## 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



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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.

- 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.

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- 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)**

**C8** 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

SCHEDULE 6

Section 23(3).

ADAPTATIONS FOR NORTHERN IRELAND AND ITS NATIONAL BOARD

- 1 In sections, 5, 7, 9, 17, 19, 20, 22 and 23, and Schedules 2, 3 and <sup>F8</sup> . . ., 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**

**F8** 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 5(3), 4(a), (5), (6) and (8)(a) and 20(5) and (6) and Schedule 2, paragraph 3.	The Secretary of State.	The Head of the Department of Health and Social Services for Northern Ireland.
Sections 7, 9, 17(2), 19(1), (3) and (4) and 20(1) and (2) and Schedule 2, paragraphs 6(5) and 7.	The Secretary of State.	The Department of Health and Social Services for Northern Ireland.
Section 17(2).	Schedule 4 to the Sex Discrimination Act 1975.	Schedule 5 to the Sex Discrimination (Northern Ireland) Order 1976.
Section 20(1)(b).	The Treasury.	The Department of Finance for Northern Ireland.

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Section 20.	The Comptroller and Auditor General.	The Comptroller and Auditor General for Northern Ireland.
Section 20(5).	Each House of Parliament.	The Northern Ireland Assembly.
Section 22(4) and Schedule 3, paragraph 4.	The Lord Chancellor.	The Lord Chief Justice of Northern Ireland.
Schedule 2, paragraph 7.	The Minister for the Civil Service.	The Department of the Civil Service for Northern Ireland.
F9	F9	F9
...	...	...
F9	F9	F9
...	...	...

**Textual Amendments**

**F9** 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)

VALID FROM 01/04/1993

**[F10]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.

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- (4) The powers conferred by this section shall be so exercised as to secure that a majority of the members of the Board are registered nurses, midwives or health visitors.
- (5) The Department of Health and Social Services for Northern Ireland may, with the consent of the Department of Finance and Personnel in Northern Ireland—
- (a) pay such remuneration as the Department of Health and Social Services for Northern Ireland thinks fit to any person who is a member of the Board by virtue of appointment by the Head of that Department, and
  - (b) make such provision as the Department of Health and Social Services for Northern Ireland thinks fit for the payment to or in respect of any person who is a member of the Board by virtue of such appointment of pensions, allowances or gratuities.
- (6) The Board shall have—
- (a) a chief executive officer, and
  - (b) such other officers as the Department of Health and Social Services for Northern Ireland may by order specify for the purposes of this paragraph,  
appointed by the Board.
- (7) The Department of Health and Social Services for Northern Ireland may by order make such further provision with respect to the constitution and administration of the Board as it thinks fit.”]

#### Textual Amendments

**F10** 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 7 or 9 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 [<sup>F11</sup>Statutory 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

**F11** Sch. 6 para. 3(a): words substituted by S.I. 1979/1573 (N.I. 12), [Sch. 4 para. 28](#)

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

**C9** 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 7 or 9;

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.”

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)**

**C10** 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>F12</sup>

**Textual Amendments**

**F12** Words repealed by [Health Services Act 1980 \(c. 53, SIF 113:2\)](#), s. 25(4), [Sch. 7](#)

2 . . . . . <sup>F13</sup>

**Textual Amendments**

**F13** [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](#))

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- 3 In section 10—
- (a) omit the definitions of “ qualified nurse” and “ certified midwife” ;
  - (b) ..... <sup>F14</sup>

**Textual Amendments**

**F14** 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>F15</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**

**F15** 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 ”.

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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)*

9 In section 3(2), for “ registered nurse” substitute “ registered and qualified nurse ”.

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>F16</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

**F16** 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.)*

15 In Schedule 1 to the Commissioner for Complaints Act (Northern Ireland) 1969, in Part II insert the following entry at the appropriate point in alphabetical order — “ The National Board for Nursing, Midwifery and Health Visiting for Northern Ireland. ”

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

16 In section 2(e) of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971, before “ midwife” insert “ registered” and for “ pupil midwife” substitute “ student midwife” ; and at the end of section 2 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 Department of Health and Social Services for Northern Ireland considers to be requisite in the provision of nursing care for patients in that home.”

*Status: Point in time view as at 29/03/1993.*

*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)*

- 17 In section 10(1)—
- (a) omit the definitions of “ Joint Council”, “ qualified nurse”, and “ the register of nurses”;
  - (b) for the definition of “ pupil midwife” substitute—

““student midwife” means a person who is undergoing training with a view to becoming a registered midwife, and for that purpose attending women in childbirth, as part of a course of practical instruction in midwifery recognised by the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland.”

18 Omit section 10(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.

[<sup>F17</sup>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**

**F17** Sch. 7 para. 23 repealed (E.W.) by Registered Homes Act 1984 (c.23, SIF 113:3), s. 57, Sch. 3

24 ..... **F18**

**Textual Amendments**

**F18** 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 ..... **F19**

**Textual Amendments**

**F19** Sch. 7 paras. 2, 3(b) 24, 25 repealed by Health Services Act 1980 (c.53, SIF 113:2), s. 25(4), Sch. 7



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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)*

*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”.

*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)*

- 31 In section 33(5) of the Employment Protection (Consolidation) Act 1978, for “certified midwife” substitute “registered midwife”; and in section 153(1) omit the definition of “certified midwife”.

32—33 ..... F20

**Textual Amendments**

**F20** 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

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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; .”

35 After Article 17(1), insert—

“(1A) The Health and Social Services Board in whose area a school for the training of nurses and midwives is situated shall—

- (a) employ, for the period of the person’s training with a view to qualification for registration as a nurse or midwife, any person accepted for such training by it and the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland;
- (b) in assigning duties to any such person during that period, comply with the training requirements of the United Kingdom Central Council for Nursing, Midwifery and Health Visiting.”

*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))*

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”.

## SCHEDULE 8

Section 23(5)

### REPEALS

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

- C11** 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.

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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)

REPEALS

Chapter	Short title	Extent of repeal
1 & 2 Geo. 6. c. 72. 14 & 15 Geo. 6. c. 53. 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. 1967 c. 16. 1967 c. 80.	The Nurses Act 1964. The Registration of Births and Marriages (Scotland) Act 1965. The Teachers of Nursing Act 1967. The Criminal Justice Act 1967.	The whole Act. Section 21(6). 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. 1968 c. 49.	The Health Services and Public Health Act 1968. The Social Work (Scotland) 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. In Schedule 8, paragraph 60.

Nurses, Midwives and Health Visitors Act 1979 c. 36

Chapter	Short title	Extent of repeal
1968 c. 67. 1969 c. 25 (N.I.). 1969 c. 47. 1970 c. 11 (N.I.). 1971 c. 32 (N.I.).	The Medicines Act 1968. The Commissioner for Complaints Act (Northern Ireland) 1969. The Nurses Act 1969. The Nurses and Midwives Act (Northern Ireland) 1970. The Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971.	In section 11(1), the words "or, in relation to" onwards. Section 11(2). In Schedule 1, in Part II, the entry relating to the Northern Ireland Council for Nurses and Midwives. The whole Act. The whole Act.
1975 c. 24. 1975 c. 25. 1975 c. 37. 1975 c. 65. 1977 c. 45. 1977 c. 49. 1978 c. 29. 1978 c. 44.	The House of Commons Disqualification Act 1975. The Northern Ireland Assembly Disqualification Act 1975. The Nursing Homes Act 1975. The Sex Discrimination Act 1975. The Criminal Law Act 1977. The National Health Service Act 1977. The National Health Service (Scotland) Act 1978. The Employment Protection (Consolidation) Act 1978.	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". In Schedule 1, the entry relating to the Nurses and Midwives Act (Northern Ireland) 1970. In Schedule 1, Part III, the entry relating to the Chairman of the Northern Ireland Council for Nurses and Midwives. In Schedule 1, in Part III, the entry relating to the Chairman of the Northern Ireland Council for Nurses and Midwives. In section 20(1), the definition of "qualified nurse". Section 20(2). Section 20(4) and (5). In Schedule 4, paragraph 3(2) and (3). 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. In section 128(1) the definition of "certified midwife". In Schedule 15, paragraphs 15 to 17. In section 108(1) the definitions of "certified midwife" and "registered nurse". In Schedule 16, paragraph 7. 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). S.I. 1972/1245 (N.I. 14). S.I. 1976/1041 (N.I. 14). S.I. 1976/1042 (N.I. 15). S.I. 1976/2147 (N.I. 28). S.I. 1977/1240.	The Superannuation (Northern Ireland) Order 1972. The Health and Personal Social Services (Northern Ireland) Order 1972. The Births and Deaths Registration (Northern Ireland) Order 1976. The Sex Discrimination (Northern Ireland) Order 1976. The Industrial Relations (No. 2) (Northern Ireland) Order 1976. The Central Council for Education and Training in Social Work Order 1977.	In Schedule 6, paragraph 7. In Schedule 16, Part II, paragraphs 84 to 85. In Article 2(2) the definition of "midwife". Article 22(4). In Schedule 5, paragraph 3(2) and (3). In Article 32 the definition of "certified midwife". Article 3. Schedule 1.

**Status:**

Point in time view as at 29/03/1993.

**Changes to legislation:**

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