



Nurses, Midwives and Health Visitors Act 1979

1979 CHAPTER 36

Registration

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;

[^{F1}(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 [^{F2}deal with] proceedings for a person's removal from, or restoration to, the register [^{F3}, 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.

[^{F4}(2A) The Council may bring proceedings before a committee constituted in pursuance of subsection (2) in respect of a visiting [^{F5}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 [^{F5}EEA nurses] or midwives should cease to apply to him; and the provisions of this section and of rules made under this section shall apply, with any necessary modifications, in relation to any such proceedings as they apply in relation to proceedings relating to a person's removal from the register.

Status: Point in time view as at 31/12/1996. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979, Section 12. (See end of Document for details)

- (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 [^{F5}EEA nurse] or, as the case may be, a visiting [^{F5}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) [^{F6}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.][^{F7}(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.
- [^{F8}(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

- F1** 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
- F2** 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
- F3** 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
- F4** S. 12(2A)(2B) inserted by S.I. 1983/884, art. 5(1)
- F5** Words in s. 12(2A)(2B) substituted (31.12.1996) by S.I. 1996/3101, reg. 4(2)
- F6** 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
- F7** 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
- F8** S. 12(6) inserted (1. 4. 1993) by Nurses, Midwives and Health Visitors Act 1992 (c. 16), s. 7(4); S.I. 1993/588, art. 2

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