

Status: Point in time view as at 11/05/2001.

Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1997 (repealed), SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

CONSTITUTION ETC. OF CENTRAL COUNCIL

Textual Amendments applied to the whole legislation

- F1** Act repealed (*prosp.*) 1999 c. 8, ss. 60(3), 65(2), 67(1), **Sch. 5**, the repeal being brought into force as follows: 11.5.2001, to the extent that s. 10(5) and Sch. 1 para. 7(4) ceased to have effect by **S.I. 2001/1985**, **art. 2(2)(a)**; 1.4.2002, to the extent that ss. 1-8, 10, 11, 14, 15, 17-20, 22 (in part), 24 (in part), Schs. 1-3 and Sch. 4 paras. 1, 2 are repealed, by **S.I. 2002/1167**, **arts. 3(a), 5** (with transitional provisions and savings in **S.I. 2002/253**, **arts. 1(3), 54**, **sch. 2** (with **art. 3(18)**)) (coming into force in accordance with art. 1(3) of the said **S.I. 2002/253**)

Variation of membership

- 1 (1) If the Secretary of State approves a proposal submitted to him by the Council with respect to the number of its members, he shall by order amend section 1 as he thinks fit for the purpose of giving effect to the proposal.
- (2) The Secretary of State may not approve a proposal under this paragraph if the number proposed—
- (a) is greater than sixty, or
 - (b) is not a multiple of three.

Variation of electoral scheme

- 2 (1) The Council may vary the electoral scheme with the approval of the Secretary of State.
- (2) The Secretary of State may not approve a variation under this paragraph if it would have the effect of making anyone other than a registered nurse, midwife or health visitor living or working in the United Kingdom eligible to be elected in an election held under the scheme.
- (3) The Secretary of State shall signify his approval of a variation under this paragraph by order.

Tenure of office of members and president etc.

- 3 (1) Appointment as a member of the Council shall be for a period prescribed by the Secretary of State by order.
- (2) The period prescribed by the Secretary of State for the purposes of sub-paragraph (1) above shall not be less than three nor more than five years.

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- 4 (1) This paragraph applies where a person (“the former member”) ceases to be a member of the Council before the end of the period for which he was appointed.
- (2) The vacancy left by the former member shall be filled by a person appointed by the Secretary of State for the remainder of the period for which the former member was appointed.
- (3) If the former member was an elected member, the Secretary of State shall appoint under sub-paragraph (2) above a person nominated by the Council who shall have the same qualification for election under the electoral scheme as the former member had at the time of his appointment.
- (4) If the former member was not an elected member, the Secretary of State shall, in making an appointment under sub-paragraph (2) above, have regard to the qualification by virtue of which the former member was appointed.
- (5) In sub-paragraphs (3) and (4) above, references to an elected member include a replacement for such a member.
- 5 (1) Where a member of the Council or any of its committees is absent from meetings for more than six months consecutively or is disqualified from practising as a nurse, midwife or health visitor, the Council may by resolution declare that he has ceased to be a member.
- (2) An elected member shall cease to be a member if he ceases to hold any qualification by virtue of which he was elected.
- (3) A person appointed as a replacement for an elected member shall cease to be a member if he ceases to hold any qualification by virtue of which he was appointed.
- 6 If the president or vice-president ceases to be a member of the Council he shall also cease to be president or vice-president.

Procedure

- 7 (1) The Council may act notwithstanding—
- (a) any vacancy among its members; or
 - (b) that by reason of one or more vacancies, less than two-thirds of the members of the Council are elected members (or their replacements).
- (2) At any meeting of the Council the quorum shall be twenty members including, in the case of each part of the United Kingdom, at least one member living or working in that part.
- (3) The Council may constitute committees of itself for the purpose of transacting particular business of the Council.
- [^{F1}(4) Persons who are not members of the Council may be appointed by it as members of such committees; but not more than one-third of the members of such a committee shall be persons appointed by virtue of this sub-paragraph.]
- (5) The Council may, by means of standing orders, regulate its own procedure, that of its standing committees and that of any committees constituted under sub-paragraph (3) above, and may, to such extent and in such cases as may be permitted or required by orders of the Secretary of State or by its rules and standing orders, act through those standing and other committees.

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- (6) No defect in the appointment of any member shall invalidate any proceedings of the Council or of its committees.

Textual Amendments

- F1** Sch. 1 para. 7(4) ceased to have effect (11.5.2001) by virtue of 1999 c. 8, s. 60(3); S.I. 2001/1985, art. 2(2)(a)

Remuneration, allowances and pensions

- 8 (1) The Council may pay to its president such remuneration, and make such provision for the payment of pensions, allowances or gratuities to or in respect of him, as it thinks fit.
- (2) The Council may pay to its members and to other persons appointed to serve on its committees such travelling and other allowances as it thinks fit.

Documents

- 9 A document purporting to be duly executed under the seal of the Council or to be signed on its behalf shall be received in evidence and shall be deemed to be so executed or signed unless the contrary is proved.

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